
THE
PRESENT STATE
OF
GERMANY.

LICENS'D

ET *Januar. 31.*
16⁸⁹.

J. Fraser.

THE
Present State
OF
GERMANY.

Written in Latin

By the Learned *SAMUEL PUFFENDORFF,*

Under the Name of

Severinus de Monzabano Veronensis.

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TO THE
READER.

I Need not pretend to apologize for the publishing this small Piece at a time when the continued Victories of the Emperor of *Germany* over that once so formidable Enemy the *Turk*, and the present War with the *French*, has made that Nation the Subject of all our Conversation and Discourse for so many years: and our present Union with those Princes in a War that is of so great consequence in the event, be it what it will, is like to make this Country more the Subject of our Hopes and Fears now, than ever it was before.

It is natural for men to be very desirous to know the Circumstances of those they are concern'd with; and there is nothing excites our Curiosity so much, as the considering our own Happiness or Misery is wrapt up in the

To the *R E A D E R*.

Fate of another. Our Regards for the Empire of *China* are very languid, and we read their Story and Descriptions with little more attention than we do a well-drawn Romance, because be they true or false, we are nothing concerned in the Fortunes of that remote Empire, which can have no influence upon our Nation.

If the World desires it, it will not be difficult to give a more particular account of the Electors, and of the other Princes and Free Cities of *Germany*, but without that, this will be sufficient to shew the general State of *Germany*, which is the thing we *Englishmen* are most desirous and concerned to know.

I shall make no other Apology for it, because I am beforehand resolved to be wholly unconcerned for its fate; the Reader is left entirely to his own liberty, to think and speak of it as he himself please.

January the 24. h.

1689.

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CHAP. I.

Of the Origine of the German Empire.

GERMANY of old was bound to the East by the *Danne*, to the West by the *Rhine*, towards *Poland* it had then the same bounds it has now, and all the other parts were washed by the Ocean; so that then under this Name, *Denmark*, *Norway*, and *Sueden* were included, with all the Countries to the *Botner* Sea; which three Kingdoms were by most of the ancient Writers call'd by the name of *Scandinavia*. But then, I think, the Countries on the East of that Bay, were not rightly ascribed to, or included in, the bounds of the ancient *Germany*; for the
B present

*The ancient
Bounds of Ger-
many.*

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present *Finlanders* have a Tongue so different from that spoken by the *Swedes* and other *Germans*, as clearly shews that Nation to be of another extraction. To this I may add, that what *Tacitus* writes of the Manners of the most *Northern Germans*, will not all agree with the Customs of the *Finlanders*, but is wonderfully agreeable to those of the *Laplanders*, who to this day live much after the same manner. It is probable therefore, that the *Finni* mentioned by the Ancients were the *Estoitlanders* in *Livonia*. Nor is it any wonder that *Tacitus* should not write very distinctly of this People, they being then the most Northern Nation that was ever heard of, and known only by an obscure Fame or general Report. These Northern Countries have however for many Ages been under distinct Kings of their own, so that *Germany* has been taken to reach only to the *Baltick Sea*; and even here the King of *Denmark* has deprived it of a considerable part of the Promontory of *Jutland*, which he claims as a part of his Kingdom, tho' it lieth on this side of the *Sound* or Mouth of the *Baltick Sea*. But then by way of Reprials she has enlarged her Borders to the South-East, beyond the *Danube*, to the Borders of *Italy* and *Illyrica*, and beyond the *Rhine*, to the West and North, she has gained both the *Alsati*'s, *Lorrain*, and the 17 united Provinces, which last were formerly called *Gallia Belgica*.

The present
Bounds.

The ancient
State of it.

2. This vast Tract of Land was in those early times possessed by various Peoples

ples and Nations, who were much celebrated on the account of their numbers and valour; yet each of them was under a distinct Regiment, very different from that used by their Neighbours; but then they had one common Original, and the same Language; and there was a great similitude in their Manners. The greatest part of them were under popular Governments; some had Kings, but that were rather to perswade their Subjects by their Authority, than to command them by the Sovereign Power; for that Nation was never able to brook an Absolute Servitude. This Ancient *Germany* was never reduced into one Empire or Kingdom, wherein it was like the rest of her Neighbours, *Italy, France, Spain, Greece, and Britain*, before they were conquered by the *Romans*. But then, as *Germany* never was reduced by a Conquest, so it retained more lively traces and marks of the Primitive State of Mankind, which from separate and distinct Families by degrees united into larger Bodies or Kingdoms. But then, tho' this Independent Knot of States and small Kingdoms, by reason of its freedom, was very grateful to the *Germans* of those times, yet it was absolutely necessary they should frequently be engaged in mutual and destructive Wars, when they were so many and so small. This again exposed them to the Invasions of their neighbour Nations, though they were a warlike People, because their scattered Forces were not united in one Empire for their defence. Neither had the

The old German state dangerous & weak

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greatest part of these small States so much Politicks as in due time to unite in Leagues against the dangers of their potent Enemies; but they perceived the Benefit of such a Concord, when it was too late, and they by fighting separately for their Liberty, were one after another all conquered.

*The Franks the
first Conquerors
of Germany, of
an unknown
extraction.*

3. The first that reduced *Germany* from that ancient state were the *Franks*, which Nation is of so controverted an Origine, that it is not easie to determine whether it were of *Gallick* or of *German* extraction. For, tho' we should grant that all those Nations which the *Greeks* comprehended under the title of *Celta*, that is, the *Illyrians*, *Germans*, *Gauls*, *Old Spaniards*, and *Britains*, did as it were, flow from the same Fountain, yet it is very notorious, they afterwards much differed each from the others in Language and Manners, so that no man that is any thing versed in Antiquity, can in the least doubt of it. The foolish Pride of some of the *Gauls* occasioned this difference, who being ignorant that many of the *Gallick* People in the first Ages had ambitiously boasted they were of *German* extraction, did in the later times envy *Germany* the honour of having been the Mother of the *Franks*. These men pretend, that great multitudes of men out of *Gaul* invaded *Germany* in ancient (but unknown) times, and passing beyond the *Rhine*, possessed themselves of all the Countries upon the River *Mayn*, to the *Hercynian* Forest, and that after this they returned, and conquering the Parts on the West of the

Rhine,

Rhine, recovered the possession of their ancient Country, but so that a part of their Nation still inhabited on the *Mayn*, and left their Name to that Country. For the confirmation of this Opinion, they cite *Livy*, lib.5. c. 134. *Cæsar de bello Gallico*, lib.6. *Tacitus de moribus Germanorum*, c. 28.

4. But to all this the *Germans* may truly reply, That the Testimony of these Latin Writers is not without just exceptions, because they testify very faintly of a thing which hapned long before their times, and concerning a People too whose Antiquities were not preserved in any written Records. Nor is it at all probable, when the 1 *Treboeci*,

2 *Nemetes*, 3 *Vangiones*, & 4 *Treveri*, and some other People who in those times lived on the West side of the *Rhine*, and yet owned themselves to be of *German* extraction. That the *Franks* should on the contrary pass the *Rhine*, and out of *Gaul*, make a Conquest in *Germany*. And yet, after all, though we should grant, that the *Franks* were at first a *Gallick* Colony, yet seeing they lived about 800 years in *Germany*, and both in their Language and Customs differed from the *Gauls*, and in both these agreed exactly with the *Germans*; they are for that cause to be reckon'd amongst the *German* Nations. This is certain in the mean time, that till about CCC.

1. *Treboeci*. *Alfaria*, the chief Towns of which were *Breuco-magus*, (*Bruomat*) and *Elcebus*, (*Schellstat*) 2. *Nemetes*, the Inhabitants of the Bishoprick of *Speyr*. 3. *Vangiones*, the Inhabitants of *Worms* and *Strasburg*. 4. *Treveri*, the Inhabitants of the Archbishoprick of *Triers*.

Years after Christ, there is scarce any mention of the *Franks* made in any ancient History. From hence there arose two very different Opinions, whilst some believe those People, who are by *Tacitus* call'd the 5 *Chauci*, changed that name in after times, and call'd themselves the *Franks*; and others think, that a number of *German* People, or some parts of them, united in this name, and out of a vain affectation of Liberty, took up the name of *Franks*: for in the *German* Tongue *Frank* signifies *free*: And to this purpose they produce the Testimonies of *Francis I*, and *Henry II*, Kings of *France*, who in their Letters to the *Diet* of *Germany* say, they are of *German* Extraction. Tho' it is very well known at the same time, to all wise men, to what purposes such ancient and overworn Relations of Kindred are for the most part pretended.

3. The *Chauci* were the Inhabitants of East-Friesland, Groeningen, Brema, Lunenburg, and Hamburg, as they are placed by *Ptolemy*.

The *Franks* conquer Gaul, now *France*, and after it *Germany*.

5. But however this be, the *Franks* for certain first passed the *Rhine* upon the *Ubii*, or Inhabitants of the Archbishoprick of *Cologne*, and after they had conquered the far greatest part of *Gaul*, (now call'd *France*) turning as it were the course of their victorious Arms back again, they conquered the greatest part of *Germany*, and subdued all the Countries between the *Mayn* and the *Danube*, and went Northward as far as *Thuringia*: After this *Charles* the Great extended his Conquests much further by subduing the *Saxons*, and *Tassilon* King of the *Bavarians*; so that not only the Countries possess'd by the old *German* Nations were all reduc'd

under

under his Obedience, but all those that lay upon the *Baltick* Sea, and that part of *Poland* which lies on the West of the *Vistula*, which was then inhabited by the *Sclaves*; for History saith, They also were either Tributaries to that Prince, or *majestatem comiter coluisse*, were Homagers to his Crown.

6. The greatest part of the German Writers have very fondly endeavoured to have it believed he was their Countryman, as being born at *Ingelheim*, a Town in the Bishoprick of *Mentz*, but now under the Elector *Palatine*; and in an ancient Charter of the Abby of *Fuld*, the Lands upon the River *Anstrut* in *Thuring*, are call'd *The Lands of his Conception*: And that he us'd the German Tongue, is apparent by the names of the Months us'd in his time, which are still retained in *Germany*, and are thought to have been introduced by him. But if the *Germans* would suffer me, (a Foreigner) to pass my judgment in this Affair, tho' I am not at all disposed to favour the *French* in their other pretences, to the damage of the *Germans*; yet I would perswade them here freely and willingly to renounce their Pretences to *Charles the Great*, and the rather, because it can bring no injury to their present Empire; for it is certain, the *Franks* placed the Seat of their Empire in *Germany*; and it is no less certain, that the Father of *Charles the Great* was King of *France*, and all his Progenitors had for many Ages lived in great Honour, and managed great Employments in that Kingdom. Besides, those parts of *Germany*, And born in France.

of what Nation Charles the Great was.

A Frank

By his Father,

which lie on the West of the *Rhine*, and were then subject to the Crown of *France*, were possess'd by them as Accessions acquired to that Kingdom by Conquest, and were look'd upon as conquered Provinces; and every man is esteem'd to be of the same Nation his Father was, and in which he has placed the Seat of his Fortunes and Hopes after his Father and Ancestors. The sole consideration, That a man was born in this or that Country, will hardly be allowed to make a man of a different Nation from his Father; unless we can believe, that if the present King of *Sweden* had been born in *Prussia*, he had been to have been esteem'd a *Prussian*, and not a *Swede*. Nor was that part of *Germany* which lieth on the West of the *Rhine*, esteem'd a part of *France*, till under *Charles* the Great it was united to that Kingdom: And in the first times that followed, when his Posterity had divided their Ancestor's Dominions amongst them, the Historians frequently distinguish between the Latin or Western *France*, and the German or Eastern *France*, which is the same with *Germany*: And it is observ'd, that after the times of the *Otho's*, that name of *Germany*, by degrees, grew out of use. The objection made on the account of the use of the German Language by *Charles* the Great, may be thus easily answer'd: The *Gauls* having been long subject to the *Romans*, by degrees lost their own Tongue, and embraced that of their Conquerors; so that at last there were scarce any footsteps of the old *Celtick* left amongst them

Tho' he used the
German Tongue.

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them: But then the *Franks* brought their German Tongue along with them, and without doubt did not presently forget it. But then, as the *Franks* neither destroyed nor expelled the *Gauls*, but only assumed the Government and Sovereignty of the Country, from whence it came to pass, that those who were descended of the *Franks*, were employed in the great Affairs, and the *Gauls*, as a conquered People, were kept under; but then as two Rivers of different colour, uniting in one stream, may for some time preserve each his proper colour, but at length the greater stream will certainly change the lesser into its own colour; so in the beginning the *Gauls* had their Tongue, and the *Franks* theirs, till in length of time a third was made out of both mixed and twisted together, in which yet the *Latin* is the predominant, the plain cause of which is, That the *Gauls* were more numerous than the *Franks*, and it was much harder for them to learn the *German*, than it was for the *Franks* to learn the *Gallick Latin*; for with what difficulty Foreigners learn the German Tongue, I my self know by experience. From hence it proceeds, that the most ancient Writers of this Nation call the vulgar Latin the Rustick or Countryman's Tongue, because the Nobility and Gentry still used the German, whilst the Countrymen and the rest of the *Gauls* had no knowledge of any other than the Latin. And thus we see it is in our own times, in *Livonia* and *Curland*, where the old Inhabitants are by the *Germans*

re.

reduced into the condition of meer Rusticks; for all the Nobility, and the Inhabitants of the Cities, speak the *Sclavonian* Tongue, and the *German*, but the Countrymen do scarce understand one German word of ten. Thus *Charles* the Great might easily understand the German Tongue, because the *Franks*, who were a German Nation, had not quite laid aside the use of it; and also because the *Franks*, before his time, had conquered a great part of *Germany*, and he went on with the work, and reduced all the rest under his Dominion. Nor was it possible in that unlearned Age to converse with the *Germans* in any other than their own Language. But then he that observes, that there is two very different Questions confounded into one, will very accurately determine this Controversie; for if the Question be, Whether *Charles* the Great were of a *Gallick* or a *German* Original? without doubt it will be answered, That he was not a *Gaul* but a *German*, or which is all one, a *Frank*. But if the Question be, What Countryman he was? *France*, and not *Germany*, is to be assigned him, and therefore in this respect he was no *German*, but a *Gaul*, or *Gallo-Frank*. I fear I shall make the Reader think I take him for a stupid person, if I should dwell any longer on so plain a thing; and yet I will presume to give the *Germans* a known example: If you fall upon a Nobleman of *Livonia*, and ask him what Countryman he is, he will reply a *Livonian*, and not a *German*; but then, if you still insist, and ask him of what Lineage,

age, he will say, he is descended of the *Germanians*, and not of the *Livonians*.

7. This Prince (*Charles the Great*) had under him divers Nations, which he had acquired by very different Titles: He enjoy'd *France* as his Inheritance, devolved to him from his Father by Succession. For though we read in their Histories, that the ancient *Franks* had lodged in the Nobility and People of that Nation, some Authority in the constituting their Kings; yet I conceive, it was rather a solemn Inaguration, and an acknowledgment of their Loyalty and Obedience to the new King, than a Free Election; for they rarely departed from the Order of a Lineal Succession, but when there were Factions, or the next Heir in the Line was wholly unfit for Government. A part of *Germany* was, before this time, united by Conquest to the Crown of *France*, and the rest of it was subdued by the victorious Arms of *Charles the Great*. Whether any part of this Country freely and willingly submitted to him out of Reverence to his Greatness, is very uncertain. He also by his Arms conquered the Kingdom of the *Lombards* in *Italy*, the Pope of *Rome* affording him a Preference for it; after which, he was by the Pope and People of *Rome* saluted *Emperor of Rome*, and *Augustus*. Now, what he gain'd by this Title, we shall by and by inform you.

The Titles of Charles the Great to his several Dominions.

8. Thus, under *Charles the Great*, *Germany* became a part of the Kingdom of *France*, and was sufficiently subject to the Absolute Empire or Sovereignty of those Princes.

Germany a part of the Kingdom of France.

During

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During this state of Affairs, it was divided into divers Provinces, which were governed by *Counts* or *Earls*, and *Marquesses*, who were for the most part of French extraction: yet in these times the *Saxons* enjoy'd a greater shew of Liberty, because *Charles* the Great had not been able to reduce them without a long and tedious War, and was at last to perfect the Work, and establish his Sovereignty, necessitated to admit them to a participation of the Priviledges enjoy'd by the *Franks*, and to unite them into one Nation with their Conquerors. That he might further assure himself of this fierce Nation, which was so impatient of Servitude; he call'd in the assistance of the Priests, who were ordered to teach them the Christian Faith, and to inculcate into them how much they were obliged to those who had shewn them the way of obtaining Eternal Life. On this account many Bishopricks and Abbies in *Germany* were founded by *Charles* the Great. *Germany* was in the same estate under *Saint Lewis* the Son of *Charles*, but that the Authority of the Prefects or Governours of the Provinces began to grow greater.

*The Children of
St. Lewis di-
vide their Fa-
ther's King-
dom.*

9. But afterwards, when the Children of this *Lewis* had divided their Father's Kingdom amongst them (which was the first and principal cause of the Ruin of the French Power, and of the *Caroline* Family) *Germany* became separated from the French Empire, and was a distinct Kingdom under *Lewis* II. Son of *St. Lewis*. To it was afterwards added a great part of the *Belgick France*, (or of the

the *Low Countries*, as it is now called) which lies towards the *Rhine*, which for the most part was inhabited by German Nations, which from *Lotharius* another of the Sons of *St. Lewis*, was then called the Kingdom of *Lorrain*, though at this day only a very small part of that Kingdom retains the old name. During the destructive Wars, which followed after these times, between the Posterity of *Charles* the Great, not only the German Nobility gained exorbitant Power, but the very Family of *Charles* was at last totally extinguished, or at least deprived of the Crown of *France*, (for to this day the Dukes of *Lorrain*, and the Electors *Palatine*, pretend to be descended of that Family) and the *Germans* chose themselves Kings out of the Nobility of their own Nation; from which times *Germany* became again a free State, and had no dependance on the Crown of *France*. Now, because the *German* State is commonly call'd the *Sacred Roman Empire*, I think it will be worth my pains to enquire, How it first obtained this Title? what it has gained by it? and by what Right it now enjoys that Name? for the clear understanding of which it will be necessary shortly to recapitulate the State the *Roman Empire* in the West was reduced to before the times of *Charles* the Great.

Germany a free State.

10. It is very well and commonly known after what manner the People of *Rome*, after they had by the Success of their Arms subdued the noblest part of the then known World, were at last, by the ambition of a few

A short account of the Roman Empire.

few over-potent Citizens engaged in Civil Wars, and at length brought under the Dominion of a single person. But then *Augustus* the Founder of the Roman Empire (or Monarchy) when he had by the assistance of the Army gained the Empire, persuaded himself, that he should easily keep it by the same way. Therefore tho' from thenceforward he seemed to leave some of the Affairs of the State to the disposal of the *Senate*, that it might still seem to have a share in the Government; yet he wholly kept in his own hands the Care and Government of the Army. But then it was his principal care to conceal from the Rabble of the Army, That the Souldiers were the men who could set up and pull down the Emperors; which Secret, when it was once discovered, the State of the Empire became as miserable as the Condition of the Emperors; for the Empire being weakened by frequent intestine Wars, found it self also often exposed to the worst of men by a covetous and turbulent Rabble, which oftentimes most wickedly murdered her best Princes, to her great damage and sorrow: Nor could any of her Emperors after this entertain any hopes of firmly settling the Empire in their Families, but was necessitated to be contented with a precarious Title amongst a parcel of mercenary Souldiers: So that in truth the whole power of making the Emperors, was in the Army, (which is the common Attendant of all Military Monarchies, where a strong and perpetual Army is kept together in any one place)

place) and the *Senate and People of Rome* were weak and vain Names, made use of to delude the simple common People, as if the free and voluntary consent of the whole Body had constituted the Emperor. That Kingdom, thus founded on a Military Licence, as it was unfit for continuance, was by *Constantine the Great* and *Theodosius* hastened to its fatal period: the first of these making *Byzantium* (now called *Constantinople*) the Seat of the Empire, and withdrawing the Armies, which had till then been maintained on the East of the *Rhine*, for its preservation; and the later by dividing the Empire between his two Sons *Arcadius* and *Honorius*, soft lasie Princes, and neither of them fit for such a Command. From thence forward there were two Kingdoms for one, and this Division was no way useful, but only for the fitting the Western part by separating it from the Eastern, to be the more easie Prey to the barbarous Nations: and accordingly, not long after this, an end was put to the Western Empire, and *Rome* was taken and sack'd by the *Goths* which before that had been deprived of all her Provinces by as good Right as she had got them, and now, in her turn, lost her beloved Liberty, and became a part of the *Gothick* Kingdom.

II. After this, the *Gothick* Power being entirely ruin'd, *Rome* and a considerable part of *Italy* returned under the Obedience of the Greek Emperors, tho' on the account of her former Majesty, and for that *Constantinople* was

Rome for some time under the Greek Emperors.

was considered as the Metropolis; *Italy* was rather treated by them as an Ally than as a subject Province. But however, the Supremacy was acknowledged to be in the Emperor of *Greece* who exercised it in *Rome* and those other parts of *Italy* which were under his Jurisdiction by his *Exarchs*. But by degrees the *Popes* became weary of this *Greek Empire*; they lay the blame however on the Misgovernment of the *Exarchs*, and because some of the Greek Emperors were too severe against Images, which they yet judged a most useful Tool to instruct the *Many* in the Superficial Rites of Religion, which, as they said, was become incapable of receiving or bearing a more solid Piety; nor was it so profitable to the Priests, to let the People know, a good and holy Life would certainly please God. Perhaps also it was believed, the Church would be very much exalted in her Authority, if the Pope could by degrees gain the Secular Empire, as he had already, in a good degree, assumed the Supremacy in Ecclesiastical or Sacred Affairs throughout the World. And in truth, it did not seem fit that he should live in subjection to the Slave of a Greek Emperor, (who sometimes was deprived of his Virilities) whom God had intrusted with such Power, as his own *Vicar* in the World, that he being freed from the Care of the Church, might be at the better leisure to attend the Civil Affairs of the World, and that they too had been delegated by God to the Pope, if it had not been apparent, that the holy
minds

minds of these Bishops were so taken with the Pleasures of Divine Affairs, that they wholly declined the being concerned in these prophane Employments. But then, though the Greek Emperor was not much feared, both on the score of his distance, and also because he had enough to do to defend himself against the *Saracens*, which then from the East fiercely and successfully attack'd the Empire; yet the Power of the *Lombards* was more dreadful, and hung like a mighty Tempest over all *Italy*, and had almost made themselves Masters of the *Suburbs* of *Rome*; and the Pope not being able alone to grapple with this Enemy, could bethink him of no body that was able to succour the See of *Rome* in this exigence, but the King of *France*; and he too was very much disposed to it by the Prospect of that Glory which would attend the rescuing from Injury that Person, who like an unexhaustible Fountain dispensed to all Christian Souls the Waters of Divine Grace. The Pope also had before-hand very much obliged *Pipin* the Father, and *Charles* the Son, by his ready consenting, That *Chilprick* King of *France* should be shaven and turn'd into a Monastery: Which could never be equally recompensed by those Princes, who might otherwise have had painful Scruples of Conscience to perswade themselves, That a Subject might lawfully shave his Prince, and make him, of a Monarch, become a Monk, who was guilty of no other fault, but his having committed more Power to a Potent Minister, than was consistent with the safety

C

of

of his Crown and Kingdom. And in this the *Fates* strangely befriended the *French* in giving them so plausible a pretence of invading and possessing our *Italy*, which has alwaies been courted by the *Ultra montane* Kingdoms.

Charles the
Great subdues
the Lombards,
and is made
Emperor,

12. After then that *Charles* the Great had subdued all that part of *Italy* which was before subject to the *Lombards*, the Pope (who had a good share of the Prey) that he might shew his gratitude, and assure himself for the future a *Potent Defender*, declared *Charles* Emperor and *Augustus*, with the Approbation of the People. Now it is not easie to conceive what *Charles* got by this Title; in truth *Rome* long before this was not the Seat of the ancient Roman Empire, being made first a Part of the *Gothick* Kingdom, and after that of the Eastern Empire; and therefore the *Romans* could not give that to *Charles*, which heretofore belonged to the Western Empire: for all that Right was determin'd by Conquest and the Right of War, by Cession and Desertion, and was now for a long time in the peaceable possession of others. And even *Rome* her self was not *sui juris*, and therefore could not give her self to another: And therefore *Charles* was at first in doubt, whether he should accept the Title, till he had made an agreement with the Greek Emperor, and obtained his consent. The Emp. of *Constantinople* who was then weak, and needed the Friendship of *Charles*. yielded the point without any difficulty, to preserve *Calabria*, and those other Ports he had yet left him in *Italy*. So that up-
on

on the whole, *Charles* the Great, under the splendid Title of *Emperor*, borrowed from the ancient State of *Rome* (but in a very different sense) was made the Supreme Defender, Protector, and Advocate of the See of *Rome*, and of the States belonging to it, either by the Usurpation of the Pope, or the Liberality of others. Now whether this Defence and Protection included in it a Supreme Empire or Dominion over that See, as some *Civilians* have said, seems a doubt to me, and I should rather think there was a kind of unequal League only entred between *Charles* and the See of *Rome*, That he should defend her against all Invaders, or by his Authority compose all internal Commotions, which might tend to the damage or dishonour of that See; and on the other side, the See of *Rome* should pay a due respect to his Majesty, and not undertake any thing which was of great consequence, without his Authority or Leave: and in the first place, that no man should be admitted Pope against his will. From whence it will appear, that the See of *Rome* from thenceforward became a particular State, and, properly speaking, was not united to the Kingdom of *France*. And that *Charles* the Great was not the Master of the See of *Rome*, and the States belonging to it, nor did he exercise a Sovereign Dominion over her, by making Laws, imposing Tributes, creating Magistrates, or exercising any Jurisdiction, or the like; for all these things are not above the Pretences of an Advocate, viz. To expel a Pope that entered by ill Arts, to reduce into

Or rather Protector and Advocate of the See of Rome.

The Present State of

However, neither he nor any of his Successors would suffer France to be taken for a part of the Empire.

The Fall of the Caroline Race, the Rise of the Kingdom of Germany under Otho I.

Order such as designed the Ruine of the Church, or any other signal damage, or to subdue the *Romans*, or any other who should rebel against the Pope. *Charles*, and some of his Posterity, tho' they seemed fond enough of the Titles of Emperors and *Augusti*, and on that account took upon them the Priority amongst the other *European* Princes, who willingly yielded it to them on that score; yet after all, for ought that appears to me, we shall never read, that any of the Line of *Charles* the Great, call'd the Kingdom of *France* by that Name.

13. When the *Caroline* Family began to decline, and the *Germans* had divided themselves from the Kingdom of *France*, and *Italy* was afflicted with great Commotions, there sprung up other States out of the Ruins of this House, and amongst them *Otho* the First, King of *Germany*, who having overcome *Berengarius*, and reduced the Kingdom of *Italy*, the Popes (who could not trust to their States) thought fit to put *Otho* in possession of the same Power that had been enjoyed by the Family of *Charles* the Great, and consented, That for the future the Protection of the See of *Rome* should be united to the Kingdom of *Germany*, so that whosoever enjoyed that Kingdom, should be the Protector of that See. But then, after many of those old German Kings had courageously executed that Office upon the See of *Rome*, and in the mean time the Wealth and Power not only of the See of *Rome*, but of the Bishopricks of *Germany*, was become very great, the Popes of *Rome* began to grow weary

ry of this German Protection too ; the Causes of this were, 1. The Aversion common to all Nations, against a Foreign Dominion. 2. The Indignity which was offered hereby, to the *Italick* People, who having ever been celebrated for Civil Prudence, were by this kept under the Tutelage of the less-politick *Germans*. 3. Besides, it was very uneasie to the Vicar of *I. C.* to be any longer under the Guardianship of another, whose fingers itched to be giving Laws to all Princes ; therefore for the shaking off this Yoke, they took this course, *viz.* They found out ways, by the means of the Bishops, to imbroil the Affairs of these Kings, sometimes in *Germany*, and at others in *Italy*, and the Pope seconded them with his Fulminations or Censures, which in those Ages were wonderful terrible. Thus by degrees the Kings of *Germany* grew weary of *Italy*, and being content with their own Kingdom, left the See of *Rome* to the sole management of the Popes, which they had sought so many Ages, and by such a variety of Arts, to the embroiling all *Europe*. After this the Kings of *Germany* a long time omitted the being crowned at *Rome*, yet they retained the old Titles of *Emperors of Rome* ; and when they entred upon the Kingdom, the Defence of the See of *Rome* was in the first place enjoin'd them ; from which care the *Protestant Electors* have since given the Emperor a Discharge.

14. By all that has been said, it will appear how childishly they are mistaken, who think the Kingdom of *Germany* has succeeded in the Place

The Kingdom of Germany has not succeeded in the Roman Empire.

The Present State of

Place of the old Roman Empire, and that it is continued in this Kingdom; when in truth, that Empire which was seated at *Rome*, was destroyed many Ages before *Germany* became one Kingdom; and that Roman Empire which was given to *Charles* and *Otho* (which was nothing but the Advowson and Protection of the See of *Rome*) in length of time fixed its Name upon that Kingdom of *Germany*, tho' the States of the Church in *Italy* never were united into one and the same Polity with the Kingdom of *Germany*, much less did either *Charles* or *Otho* submit their proper Kingdoms to *Rome*, as the Metropolis or Seat of the Empire. In the mean time, because it was believed the very Title of *Emperor of Rome*, upon the account of the Greatness of that ancient Empire, had something of Majesty and Grandeur in it, it was frequently given to the Kings of *Germany* only. And the consequence of this was, that *Germany* was afterwards call'd the *Roman Empire*, by way of Honour; but the different Coronations which belong to them do not obscurely shew, that there is a real difference to be made between the Roman Empire and the Kingdom of *Germany*; and the later Emperors, since *Maximilian I.* after the Title of *Roman Emperor*, expressly subjoin that of *King of Germany*. The *Germans* also at this day do commonly call their State, *The Roman Empire of the Teutonick Nation*; which form of Speech seems to contain in it a contradiction. Seeing it is very certain the present State of *Germany* is not one and the same with the ancient Roman Empire,

pire, yet the Kings of *Germany* retain the Title which has been received, tho' they have for a long time omitted the Reception of the *Crown of Rome*, and use very little of the ancient Rights of an Advocate, which belonged heretofore to them, because Princes do more easily part with the things in dispute, than with the Titles to them. Now, whether that Right they once had, is by the lapse of time expir'd, or preserved by the use of the Title only, we shall hereafter, when occasion is offered, enquire.

15. But in the mean time the Title of the Empire of *Rome* is so far from being any advantage, that it is manifest, it has been the cause of great Mischief and Inconvenience to *Germany*. Priests are alwaies ready to receive, but never part with any thing; and whereas all other Clients dispose their Masters to favour them by their Presents, if a Priest be not fed with new Presents, he presently snarles, and imputes his Blessing as a wonderful Obligation. I should think, that the ancient Princes heaped their Bounties upon the Clergy of *Germany*, principally because they were made believe God expected they should provide plentifully for that Order of Men. And what has been spent by *Germans* in Journies to *Rome*, for the Imperial Crown? What Treasures and Men have been consumed in *Italick* Expeditions, in composing the Commotions stir'd up by the Popes, and in protecting them against refractory men that have attack'd them, is not to be conceived. Nor has any Foreigner got much by attack-

The Title of Roman Emperor damageable to Germany.

* The Author,
tho' a German,
pretends to be
an Italian.

ing *Italy*, the *Spaniards* excepted, who have stuck so many years in the Bowels of * our Country, that we have never yet been able to repel them. Lastly, no Princes were oftner fulminated by that See than the German Emperors; nor was any of them more exercised by the frequent Seditions of the Churchmen than they; the principal cause of all which misfortunes seem to have arisen from hence, That they thought these Princes, who had this Title from the See of Rome, in which they took such pride, were obliged by it, above all other Men, to promote the Affairs of that See: Or otherwise, because that Order of Men is above all others unwilling to be subject to the Sovereignty of another, and with Mother-Church, is ever seeking how to shake off the hated Secular Authority; yet I would have this understood with *Salva reverentia sanctissimæ sedis*, a saving the Reverence and Respect due to that most Holy See, to whose Judgment I most devoutly submit all this.

C H A P. II.

Of the Members of which the present German Empire is composed.

Germany a potent State, tho' much diminished as to its extent.

I. **A**FTER the German Nation, by the help of the French, became one Body, it has in all times been thought one of the strongest States in Europe; and at this day it is not less regardable, on the account of its bulk, though great parts of it have been ravished

vished from it, and either annexed to other Kingdoms, or formed into separate and independent States. How much the German Empire is now less than it was anciently, has been shewn by *Hermannus Conringius*, a most skilful man in the German Affairs, in his Book, *de finibus Imperii Germanici*, concerning the Bounds of the German Empire ; but it will be enough for us to observe what she has at present. The principal Members then of this Body are designed by the Title of *The States of the Empire*, who have, as we express it, a Right to Sit and Vote in the *Diet*, tho' many of these are opposed by others, or whose Right to be immediate States is disputed by other more potent States, who pretend they ought to represent them in the *Diet*. The occasion of these Controversies is, because these Potent States would make those that are controverted Members of their own Provincial States, and not of the general *Diet*. But then, as to the Families of the Princes, it is to be observed, that there regularly belongs to each House a certain number of Votes in the *Diet* ; as some Houses have only one Vote, some two, some three, some four, and some five ; in some Principalities the eldest Brother enjoys the whole Estate, and all the younger must be content with an *Apanage*, and in others, they have all a share, though not an equal one, with the eldest ; where the first of these is observed, the eldest represents the Person of the whole Family ; where the latter, they may all come to the *Diet*, but they have

have altogether but one Vote, of which they must all agree amongst themselves.

Which are the
Members of the
Empire.

2. To prove a Person a Member of the States of the Empire, two things are commonly thought sufficient, 1. if his Name is in the Catalogue or *Matricula* of the States; and 2. if he is obliged to pay what he contributes to the Publick, to the Empire, and not into the Exchequer or Treasury of any other subordinate State; tho' the plainest Proof is, to alledge the Possession of this Priviledge. Some pretend they have by mistake paid their *quota* into other inferiour States; and others say, that some others, by meer Usurpation, have passed by the Provincial Treasury to which they belonged of Right, and have flown with their share to the publick Treasury; and these Allegations are made, as men endeavour to acquire or deprive others of the Right of being Members of the *Diet* respectively. Nor was there ever yet any *Matricula* extant, in which nothing was wanting or redundant, and about which there was not some Controversie; tho' those that were published in the year 51, 56, 66. of the last Century, are thought the most authentick. But I should however think, that the most ancient *Matricula's* which represent many as Parts of the States of the Empire, who have been long since excluded out of the *Diet*, are better than the latter, because they are nothing but Lists of those who were then in the *Diet*, when publick Instruments were made by publick Authority; and therefore from thence undoubted Arguments may be made for both the
con-

contending Parties. But in the mean time, from this variety in the *Matricula's* I may safely conclude, That in the most ancient times the number of the States of the Empire was never fixed and certain, and that all that were enabled by their Wealth or Prudence, to contribute any thing to the Welfare of their Country, had liberty to be present in the *Diet*. Afterwards the Poorer not being able to attend the *Diet*, by reason of the Expence and Charge, remained willingly at home; and that in after-times others, who would willingly enough have been there, were excluded by others, who were too powerful for them to contend with, till the States were by degrees brought to the number we now see them. It were too tedious for us to transcribe here a *Matricula*, but yet I shall represent the Principal of the States, as a thing absolutely necessary to the forming a Judgment of the Magnitude of this whole Body.

3. Amongst the Secular Princes, we give the first Place to the House of *Austria*, not so much for its Antiquity, as on the score of the greatness of its Dominions, and because it has now for some Ages possess'd the *Imperial Throne*. This unusual Clemency of the Fates has raised this Family from a very mean original, to an invidious greatness. *Rudolphus*, the first of these, who obtained the *Imperial Dignity*, was Count of *Hapsburg*, and possessed a small Estate, nothing above his Condition and Title in the Borders of *Switzerland*, but then he was a good Souldier, and a man of Valour: There having been in his times an *Interregnum* of

An account of
the House of
Austria.

Its Rise.

of

of about 20 years. The State of *Germany* was in great confusion and disorder ; the principal Princes of *Germany* met, and to put an end to these Calamities, resolved to elect an Emperor ; *Wernerus*, then Bishop of *Mentz*, mentioned *Rudolphus*, who had civilly waited upon him in one of his Journeys to *Rome*, from *Strasburg* to the *Alps*, and he much extolled his Prudence and Courage, and the Electors of *Cologne* and *Trier* soon joined with him. Now he that is any thing well acquainted with the Temper of the Churchmen, will, without any difficulty, conjecture what occasion'd this great desire in the Bishop of *Mentz* to raise this Gentleman ; he concluded, he would be the more obnoxious or compliant to him, because the Nobility of his extraction did not encourage him to act with that freedom another would have used ; and besides, he would in greater degree be obliged to him for his preferment. But then it might seem a wonder that none of the greater Princes should aspire to the Imperial Throne, except we consider the confused state of things in *Germany*, at that time, which made them all fearful they might not be able to reduce it into order ; and perhaps others of them were not of sufficient age and experience to effect so difficult a Work. Thus the Secular Electors complied with the Spiritual ; but then the Elector of *Saxony*, and the Burgrave of *Norimburg*, would not give their Votes for him till he had promised them each of them a Daughter in Marriage ; and the same was asked by the Duke of *Bavaria*, who was then present, and granted. Thus *Rudolphus*

plus became allied to the best Families of Germany, which in the beginning was both an honour and a support to this House. The Imperial Dignity gave him also afterwards opportunity of obtaining a considerable Patrimony for his Posterity ; for when any Fee became vacant, none could better pretend to it than one of his own Sons, for to take it to himself, would have been very invidious. Thus that House obtained *Austria, Stiria, Carniola,* and the Marquisate of *Vindisch* in *Carniola*, and some other Territories. and in process of time many other were added, by the Bounty of other Emperors, as the Opulent are more frequently obliged with such Favours than the Poor. Being thus enriched, it became very easie for this Family to match into the best Houses ; and because Ladies are not only won by Riches, but dazzled sometimes with the glittering of a new and extraordinary Title, a Son might easily gain in that case, from a less yielding Father, some new additions, which might set him above the other Dukes, and yet even here the Prudence of the House of *Austria* deserves commendation. It would have been very invidious for this new Family to have taken a *Place* in the *Diets*, above the more ancient; and yet it did not become it to follow the rest, now it was possessed of the Empire; therefore they took the first place amongst the *Spiritual Electors*, who have a Bench distinct from the *Secular Princes* ; for these being for the most part descended of lower Families, did without any reluctance yield the first place to this Family ; and yet this their modesty went

Austria, Stiria, Carniola, &c. came into this House as vacant Fees.

The first amongst Spiritual Electors.

not

not unrewarded: for on this account they obtained that Employment or Honour which they call the *Director* in the Colledge of the Princes, to be exercised by turns with the Bishop of *Salsburg*. These things are so far from deserving the blame of any wise man, that it would have been the utmost degree of stupidity to have done otherwise. Thus the House of *Austria* gained to it self the greatest part of the Eastern Countries of *Germany*; after this, they got the Crown of *Hungary*, by almost an Hereditary Title, which amongst other advantages serves as a Bulwark to their other Dominions against the Irruptions of the *Turks*, and gives the *Austrians* many pretences of draining the Moneys of *Germany* to maintain its Wars against that dreadful Enemy.

*This Family
has long possessed
the Imperial
Throne.*

4. We ought well to consider also not only that the House of *Austria* has continued its self so long in the Imperial Dignity, that there is scarce any other House in *Germany*, which has a Revenue sufficient to bear the Expence of that Station; but that they have also found means in the interim so to order their Dominions, that without any difficulty they can erect them into an Independent separate State or Kingdom, if any other Family should happen to be advanced to the Imperial Crown; for they have procured such Privileges, that whenever they shall not be pleased to acknowledge the Authority of another Emperor, they may say, *They have no business with the Empire of Germany, their Dominions are a separate State.* Which would not only wonderfully maim the Empire by depriving it of

so

so great a part of its body, but would also set a dangerous Example to other powerful Princes to do the like, especially if they conceive they are able to preserve themselves without the assistance of the Empire; yea, if this example were once given, the meaner and lesser Princes would not continue in the state of Subjects. And thus *Germany* would soon be brought into the same state with *Italy*; but then it seems to me to be very doubtful, whether it could so well preserve it self as *Italy* doth. That I have not rashly feigned all this, will be easily granted, if any one is but pleased to consider, That the Kingdom of *Bohemia* has very little concern with the Empire of *Germany*, besides its Vote in the Election of the Emperor; or if he will but reflect on the greatest part of the Privileges of the House of *Austria*. It will to this purpose be sufficient to represent a few Heads of the Immunities given by *Charles V.* In the very entrance of this Grant he is pleased to acknowledge, that Men naturally desire the welfare of their Families; then he decrees, That *Austria* shall be a perpetual Fee of this Family, which no future Emperor shall deprive it off. 2. That the Duke of *Austria*, for the time being, shall be such a Counsellor of the Empire, as without his knowledge nothing shall be determined. And yet, 3. He declares his Dominions free from all Contributions to the Empire. 4. And yet obligeth the Empire to the defence of them; so that in all Advantages it is a Member, in all Charges it is not. 5. The Duke of *Austria* shall not be obliged to demand the Investiture of his Dominions out of the Bounds of

The Privileges granted to this Family by Charles V.

of them, but it shall be offered to him in his own Territories; to wit, because for a naked acknowledgment of the Tenure, he will not confess himself subject to the Empire; or as if he were to be intreated to own himself a Vassal of the Empire. And then the Ornaments that are allowed him in this action, do also sufficiently argue, that he is to be treated like an Equal, and not like a Subject. 6. If he please, he may come to the *Diet*; and if he please, he may forbear. 7. The *Emperor* has no Authority to rectifie any thing done by him in his own Dominions. 8. The *Emperor* can dispose of no Fees within the Dominions belonging to the House of *Austria*. 9. His Subjects shall not be drawn out of his Dominions to answer in any other Courts. 10. From his Sentence there lies no Appeal. 11. He may without any danger receive such as are put under the Ban of the Empire, so that he take care to do Justice to the Party injured; but then those that are banished by the Duke of *Austria*, shall be absolved by no other Prince, nor in any other place than in *Austria*. 12. He may lay new Tributes or Taxes on his own Vassals, at his own pleasure. 13. He may create Earls, Barons, and Gentlemen within his own Dominions, which was heretofore thought one of the Acts of Sovereignty. 14. Lastly, to perfect his Power, it is decreed, That in case the Male Line fail in this House, the Estates belonging to it shall devolve to the Female Issue; and if there be no Females, neither, the last Possessor shall give or dispose of them as he thinks fit. It is to no purpose to add any more, seeing these are sufficient to con-

convince any wise man. So that the man must be very silly who doth not perceive the *sham* designed the Empire by *Charles V.* when he submitted his 17 Provinces to the Empire, with a magnificent Promise, that they should pay as much as any two of the Electors paid to the Charges of the Empire; for he well considered that all was to be spent on the *Turkish War*, and the Preservation of the *Austrian Dominions*: and when the Accounts of the Moneys expended in the *Turkish War* were to be in the hands of the Princes of this *Austrian Family*s, the *Low Countries* were not likely to be overcharged, nor to be very ill treated, if they proved flow in the payment. So that it was easie to observe, That *Charles V.* by this Promise only encouraged the *Germans* to spend their Treasures the more freely in the defence of his Territories, when they saw him so freely consent to bring his own Patrimony under the same Burthen; tho' perhaps there might be another reason too at the bottom of it, viz. That whereas his son Philip then aspired to the Empire, it might not be objected against him, that he had no Dominions in the Empire, those belonging before to the House of Austria, being then assigned to his Brother Ferdinand: Or, perhaps, that the *Germans* might think themselves the more obliged to defend these Provinces, if they were at any time invaded by the French King. At this time that Line is reduced to two Males, *Leopald* Emperor of Germany, (who has, since our Author wrote, had a Son named *Joseph*) and *Charles* King of Spain, who has no Issue: I have heard many of the *Germans* wish this Prince a numerous Male Posterity, out of meer fear that the failing of the Line in

The Low Countries united to the Empire by Charles V. and why.

The Males of this House.

this Family may cause dreadful Convulsions in *Europe*.

The Counts Palatine of the Rhine, and the Dukes of Bavaria.

Bavaria.

The Palatine Family.

The House of Newburg.

§. The Family of the Counts *Palatine* of the *Rhine*, and of the Dukes of *Bavaria*, are, as to Antiquity, equal to the best, and it enjoys a vast Tract of Land, which extends from the *Alps* to the River *Moselle*, and two Dukedoms in the Borders of the *Low Countries*: It is divided into two Lines, the *Rudolfian* and *William*; one of these is possess'd of the Dukedom of *Bavaria*, and has ever been thought very Rich, and in the last tedious Civil War it got also the Electoral Dignity from the *Palatine* Family; and for almost an hundred years it has possessed the Electorate of *Cologne* (Prince *Clement*, who was lately chosen, being likely still to continue it in this Family, tho' powerfully opposed by the King of *France*); his Predecessor also possess'd the Bishopricks of *Liege* and *Hildisheim*. The *Rudolfian* Line is divided into many Branches, the Principal of which is the Elector *Palatine*, and it enjoys the *Lower Palatinate* on the *Rhine*, a Country which for its strength, pleasantness, and fertility, was equal to the best parts of *Germany*, before the French with Fire and Sword barbarously laid it desolate, not only demolishing, but burning down to the Ground the greatest part of its Towns, Cities, Palaces, and Churches. The Count *Palatine* of *Newburg* possess'd heretofore the Dukedoms of *Juliers* and *Montz*, and some Dominions on the *Danube*, and in the year 1685. *Charles Lewis* the last Elector dying without Issue, *Philip William* of the House of *Newburg*, succeeded in the *Electorate* too, which in the year 1688. he resigned to his Son *John William*, being grown very old, and
fore;

forely oppressed by the French. Besides these, there are the *Palatines* of *Sultzback*, *Simmeren*, *Deuxpont*, or *Zuibrucken* (as the Germans call it) *Birkenfeld* and *Lawtreck*. The Family of *Deuxpont* produced *Charles Gustavus* King of *Sweden*, who now reigns in that Kingdom, who by the Peace of *Osnaburg* has obtained in *Germany* the Dukedoms of *Breme*, *Ferden*, and the upper *Pomerania*, together with *Stetin*, the Principality of *Rugen*, and the Barony of *Wismar*. This Family enjoys now also Princes of great worth and virtue; for as the *Bavarian* Line are celebrated for their great Piety, so the Electoral Family have been much esteemed for their Prudence; which character will belong equally to the House of *Newburg*, the last of this Family was on that account thought worthy of the Crown of *Poland*, tho' he was no way related to the Families that had worn it. And Prince *Rupert*, a Branch of the elder House of the *Palatinate*, who died in *England*, was a Person of great Valour and Worth, and famous over all *Christendom*, for the Wars he had managed by Sea and Land.

The other Branches of this House.

The King of Sweden of this Family.

His Dominions in Germany.

6. The Dukes of *Saxony* possess almost the middle parts of *Germany*, to whom belongs *Misnia*, *Thuring*, and a small Country on the *Elbe*, called the *Upper Saxony*, *Lusatia*, and in *Franconia*, the Dukedoms of *Coburg*, and the Earldom of *Henneburg*, a Country celebrated in some parts for its Fertility, and in others for its Mines. This Family is divided into two Branches, viz. *Albert* and *Ernest*: the last of these is in possession of the *Electorate*, and the second Son is to be Bishop of *Magdeburg*; of the first

The House of Saxony.

are the Dukes of *Altenburg*, *Gotham*, and 4 Brothers of the Family of *Wimar*, and a numerous Posterity besides.

*The House of
Brandenburg.*

7. Next these are the Marquesses of *Brandenburg*, the Head of which Family is one of the *Electors*, who has large Dominions in *Germany*, besides *Prussia*, which is placed now out of the Empire, which also he lately obtained from the Crown of *Poland*, he has *Mark*, the further *Pomerania* gained from the *Swedes*, tho' it belonged to him by Inheritance, upon the death of the last Duke without Issue; *Halberstadt*, *Minden*, and *Camin*, three Bishopricks, given him as an Equivalent for the hither *Pomerania*; and he was also to have that of *Magdeburg* after the death of *Augustus* the present Possessor of the House of *Saxony*. These Dominions are large and fruitful, yet some believe he would have chosen the two *Pomerania's* entire, before all the rest. I remember when I was in my return from *Germany*, being at an Entertainment at *Padoua*, in which were present some *Italian* and *French* Marquesses, I had an occasion to say the Marquess of *Brandenburg* could travel 200 German miles in his own Dominions, without lying one night in any other Prince's Country (though in some places it was indeed interrupted) whereupon many that were present, began to suspect I was guilty of the common fault of Travellers, and my Faith was much questioned, but that an old Souldier, who was present, and had served long in *Germany*, and had been one of my Acquaintance in that Prince's Court, delivered me from their Suspicions: They could not but blush

blush thereupon, when they considered, that some prided themselves in this Title in *Italy* and *France*, who were scarcely Masters of Two Hundred Acres of Land : So little did they understand, that our German Marggraves are more considerable than their Marquesses, There is another Branch of this Family in *Franconia*, who (if I am not mistaken) possess the old Inheritance of the Burgraves of *Norimburg*, and are divided into two Lines, that of *Culembach*, and that of *Onolzbeck*.

8. Next after the Electors follow some other Princes, whose Houses are still extant; and because amongst these there are various Contests for the Precedence, I would not have the Order I here observe, give any prejudice to any of them in these their vain Pretences. The Dukes of *Brunswick* and *Lunenbourg* possess a very considerable Territory in the *Lower Saxony*; they are divided into two Branches; to the first of these belongs the Dukedom of *Brunswick*, now enjoyed by an ancient Gentleman; two Brothers have divided the Dukedom of *Lunenbourg* between them, one of which resides at *Zel*, the other at *Hannover*, and the third Brother is now Bishop of *Osna-burg*. The Dukes of *Mecklenburg* have a small Tract of Land belonging to them, which lies between the *Baltick* Sea and the River *Elbe*; and this Family is now divided into two Branches, *Swerin* and *Custrow*. The Duke of *Wurtemberg* has in *Franconia* a great and a powerful Territory; his Re-

Of the other Princes of the Empire.

The Dukes of Brunswick and Lunenburg.

Mecklenburg.

Wurtemberg.

Montpelgart.

Hassia.

Baden.

Holstein.

Lubeck.

Sax-Lawem-
burg.Savoy and
Lorrain.Ferdinand II.
increased the
number of the
Princes.

lations have also in the extreamest parts of Germany the Earldom of Montpelgard in Alsatia. The Countgrave of Habsburg has also a large Country, and is divided into the Branches of Carstiel and Darmstadt. The Marquesses of Baden have a long but narrow Country on the Rhine, and are also divided into two Lines, that of Baden, properly so called, and that of Baden Durlach. The Dukes of Holstein possess a part of the Promontory of Jutland, which by reason of the Seas washing its Eastern and Western sides, is very Rich: That part of Holstein which belonged to the Empire, is possessed by the King of Denmark and the Duke of Holstein Gothorp; which last has also the Bishoprick of Lubeck. The Duke-dom of Sleswick doth not belong to the Empire. The Duke of Sax-Lawenburg has a small Estate in the Lower Saxony, and almost equal to that of the Prince of Anhalt in the Upper Saxony.

9. These are the ancient Princes of the Empire; for the Dukes of Savoy and Lorrain, though Fees depending on the Empire, and so having Seats in the Diet, yet by reason of the Situation of their Countries, they are in a manner separated from the Empire, and have different Interests. Ferdinand II, who, as many believe, designed the subduing the Power of the German Princes, and to gain an Absolute Authority over them, amongst other Arts by him imployed, brought into the Diet many Princes, which depended entirely on him;

him; he intended by their Votes to equal, if not overballance, the Suffrages of the ancient Princes, if he should be at any time forced to call a *Diet*; which yet he avoided as much as was possible; or that he might shew at least, that there was no reason why the ancient Princes should so much value their Power, seeing he was able, when he pleased, to set as many as he pleased on the same Level with them: And the Princes of the old Creation had without question been very much endangered, if the Emperor could have created Lands as easily as he could give Titles. Amongst those however that then gained Places in the *Diet*, are these; the Prince of *Hoenzollern*, *Eggenburg*, *Nassau-Hadmar*, *Nassau-Dillenburg*, *Lobkowitz*, *Salm*, *Dietrichstein*, *Aversberg*, and *Picolomini*. But then this Project of *Ferdinand* miscarrying, and the Estates of the new Princes bearing no proportion with that of the ancient Families, their advancement to this Dignity has never been found as yet of any use to them; and they have also been much exposed to the Reproaches of the ancient Princes (as the new Nobility is ever slighted by the old) and they have taken it up as a Proverb against them, *That they have got nothing by this Exaltation, but of Rich Counts, (or Earls) to be made Poor Princes*: Yet it is to be considered, That the most ancient Nobility had a beginning, and that these Families in time may get greater Estates, though the easiest way is

*The Titles of
Eleven of his
creation.*

The Present State of

now foreclosed against them, by restraining the Emperor from disposing of the vacant Fees as he thinks fit.

The Ecclesiastick States,

10. The Next Bench in the *Diet* belongs to the Bishops of *Germany*, and Abbots. Though this Order consists of men of no very great Birth, as being but Gentlemen, or at best, the Sons of Barons or Earls, and advanced to this Dignity by the Election of their Chapters; yet in the *Diet*, and other publick Meetings, for the most part, they are placed above the Temporal Nobility: For since the Fortunes of the Churchmen in these latter Ages has been so vastly different from what it was in the beginning of Christianity, it were very absurd to expect they are now bound to observe those Laws of Modesty our Saviour at first prescribed them; and perhaps those Laws too were by him designed only for the Primitive Times: For in truth, it would have been ridiculous for Fishermen and Weavers ambitiously to seek the Precedence of Noblemen, who were to earn their Bread with the labours of their Hands, or to subsist on voluntary Contributions. Now the Authority and Revenues of the Churchmen is very great in all those Countries that ever were under the Papacy; yet their Riches and Power are no where so great as in *Germany*, there being few of them in the Empire whose Dominions and Equipage is not equal to that of the Secular Nobility; and their

*Once very rich
and powerful.*

their Power and Authority over their Vassals is of the same nature; and many of them are also more fond of their *Helmets* than their *Miters*, and are much fitter to involve their Country in Wars, and their Neighbours in Troubles, than to propagate true Piety. But however, in these later Ages there are more than there were in former times, who are not ashamed to take Orders, and once or twice in a year to shew the World how expert they are in expressing the Gestures, and representing the Ceremonies of the most August Sacrifice. But then, whereas of old their Estates equalled, if not exceeded, that of the Secular Princes, the Reformation of Religion, which was embraced by the greatest part of *Germany*, and the Peace of *Westphalia*, in the year 1648, have strangely diminished them; for in the Circles of the Upper and Lower *Saxony* the Churchmen have very little left: But then, in the Upper *Germany* (if you except the Dukedom of *Wurtemberg*) they escaped better. Now the reason of this is this; The *Saxons* being more remote, did not fear the Efforts of *Charles V.* so much as the other Princes, who were awed by his Neighbourhood to them, and oppressed by his Presence: Besides, in *Saxony* their Dominions were intermixed with Potent Secular Princes, and consequently lay exposed to their IncurSIONS; but in the Upper *Germany* they were seated nearer one another, and on the *Rhine*, which is the most fruitful part of *Germany*, they were

Now much diminished.

They possess the greatest part of the Lands on the Rhine.

were possessed of the whole Country, except what belongs to the Elector *Palatine*, which as it interrupts that beautiful Chain of Church-Lands, has, I perswade my self, been looked on by them with an evil Eye. (This their Neighbourhood has in the mean time contributed very much to the preserving them from the Reformation, one of them assisting another to expel that dangerous Guest, till the *French* at last, by a just Judgment of God, (though a Catholick Nation, as they call it) came in to revenge their Contempt of the True Religion, and has laid the far greatest part of these populous well-built fruitful Countries in Ashes twice or thrice within the Memory of Man, and now especially in the year now current 1689. But to return to our Author)

The Ecclesiastick Electors.

Mentz, Trier, and Cologne.

The Bishops.

II. Ecclesiastick States, which are not come into the hands of the Protestant Princes, are these: The three Archbishopricks of *Mentz*, *Trier*, and *Cologne*, which are three of the Electors, and the Archbishopricks of *Salzburg* and *Besanzon* in *Burgundy*; for, as for *Magdeburg*, it is a meer Lay-Fee. The inferiour Bishopricks are, *Bamberg*, *Wurtzburg*, *Worms*, *Spires*, *Aichstad*, *Strasburg*, *Constance*, *Ausburg*, *Hildisheim*, *Paderborn*, *Freisingen*, *Ratisbone*, *Passaw*, *Trent*, *Brixen* in *Tiral*, *Basil*, *Liege*, *Osnaburg*, *Munster*, *Curen* in *Curland*. The Master of the *Teutonick* Order has the first Seat amongst the Bishops: And we must observe too, that in our times there are sometimes two or more Bishopricks united in the same Person, either because

because the Revenues of one single Diocess were not thought sufficient to maintain the Dignity and Splendor of a Prince's Court, or that they might by that means be rendered more formidable to those that hated them. The Bishoprick of *Lubeck* is very little better than a part of the Patrimony of the Duke of *Holstein*, and all the Country has also embraced the Protestant Religion. Amongst the Abbies which are called Prelates, are these; *Fuld*, *Kempten*, *Elwang*, *Murbach*, *Luders*, the Master of *St. John*, *Berchtelsgraden*, *Weissenburg*, *Pruym*, *Stablo*, and *Corwey*; the rest of the Prelates, who are not Princes, are divided into two Benches, that of the *Rhine* and that of *Schwaben* or *Suabia*, one of each of which has a Vote in the Diet, and they are esteemed equal to the Counts or Earls of the Empire.

Mitered Abbots

The Prelates that are not Princes but vote in the Diet.

12. The Estate of the Counts, or Earls, and Barons of the Empire, is also much more splendid and rich than that of men enjoying the same Dignities in other Kingdoms; for they have almost the same Privileges with the Princes, and the ancient Earldoms had also large Territories belonging to them; whereas in other Kingdoms a small Farm or Mannour shall dignifie its owner with that Title. Yet the Division of the Estate amongst the Brothers has damnified many of the German Families, and is only to be admitted in *Plebeian* Families, for its Equity and Piety sake: Some others have been equally ruined by the Carelessness and Luxury

The Earls and Barons of the Empire

ry

Have 4 Votes.

Their Names.

ry of their Ancestors, and their prodigal Expences. At this day the Earls have four Votes in the Diet, one for *Wetteraw*, another for *Schwaben*, a third for *Francia*, and the fourth for *Westphalia*. The Earls which are known to me, are these; *Palatav*, *Oldenburg*, *Furtemberg*, *Hohenlohe*, *Hanaw*, *Sain*, *Witgenstein*, *Leiningen*, *Solms*, *Waldek*, *Hensburg*, *Stolberg*, *Wied*, *Wangfeld*, *Reussen*, *Oettingen*, *Montfort*, *Konigsleek*, *Fugger*, *Sultz*, *Cronberg*, *Sintzendorf*, *Wakenstein*, *Papenheim*, *Castell*, *Lewenstein*, *Erbach*, *Limburg*, *Schwartzenburg*, *Wentheim*, *Ostfriland*, (who is now made a Prince) *Rhine*, and *Waltz*, *Kantzow*, and perhaps many other, whose Nobility is not to be prejudiced by my silence; and as to those I have named, I pretend no skill in the marshalling of them according to their proper Places. There are also many Earls and Barons in the Hereditary Countries belonging to the Emperor, who being of late Creation, or subject to other States, have no Place or Vote in the *Diets* of *Germany*, and therefore are not to be mentioned here.

*The Free Cities
make a College
in the Diet.*

13. There is also in *Germany* no small number of Free Cities, who are subject to no Prince or State, but are immediately under the Emperor and the Empire, and are therefore called *Imperial Cities*. In the *Diet* they constitute a particular *College*, which is divided into two *Benchets*, that of the *Rhine*, and that of *Schwaben*. The Principal of these are, *Posimberg*, *Ausburg*,
Co,

Cologne, Lubeck, Ulm, Strasburg, Frank-
 ford, Katisbone, Aix la Chapelle, or Aken,
 Metz, Worms, Spire, Colmar, Memmingen,
 Elling Hall in Schwaben, Heilbron, Lin-
 daw, Goslar, Mulhausen, Porth Hausen;
 the rest have reason rather to pride them-
 selves in their Liberty than in their Wealth.
 In the former Ages the conjunction of two
 or three of these Cities together made a great
 Power, and they were terrible to the Prin-
 ces, but now their Wealth is much redu-
 ced, and we may probably enough conje-
 cture, they will one after another be all re-
 duced under the Yoke of the Princes: At
 least, the Bishops threaten those very much
 in which their Cathedrals are. There are
 also some potent Cities which preserve their
 Freedom, though (perhaps) not very well
 grounded; for the Dukes of *Holstein* pre-
 tend a Right over *Hamburg*, which this
 most wealthy City of all *Germany* will not
 submit to; and it is thought the Strength
 of it and the Jealousie of the neighbouring
 Princes (who envy the King of *Denmark*
 the possession of this fat Morfel) will pre-
 serve it. The King of *Sweden* has such
 another Dispute with the City of *Breme*,
 without which he can never secure that
 Dukedom; and perhaps the Kings of *Swe-*
den have too much reason to suspect that
 City was admitted into the *Diet*, in
 the year 1641, when they began to suspect
 those Princes would become Masters of
 this Dukedom, on purpose to keep it out
 of their hands, and deprive them of this
 con-

Hamburg.

Breme.

Brunswick.

Hildisheim.

Magdeburg.

Erford.

Munster.

The Knights
of Germany

convenience and security. The City of ~~Brunswick~~ doth strangely weaken and disfigure the Dukedoms of *Branswick* and *Lunenbourg*, and by its Site interrupt their otherwise well compacted Territories: And yet they will never suffer the Bishop of *Hildisheim* to take possession of that City. The Elector of *Brandenburg* is not very favourable to the Cities in his Dominions, and therefore it is not improbable, the City of *Magdeburg* may suffer the loss of her Liberty after the death of *Augustus*, of the House of *Saxony*. They of *Erford*, weary of a doubtful Contest for their Liberty, submitted, and for their Folly and Cowardice were thought worthy to lose their Liberty. Wise men wonder also that the Dukes of *Saxony* have not seized the Citadel of *Thuring*; and I suppose, by this time, the *Hollanders* are made sufficiently sensible they ought to have defended the Inhabitants of *Munster* against their Bishop; seeing it would the better have become them who took Arms against their own Prince, for their Liberties, to have assisted their Neighbours in a like Attempt.

14. The Knights of *Germany* are not all in the same condition, part of them being immediately subject to the Emperor and the Empire, and another part being under the subordinate States, who are their Lords. They that belong to the first of these *Classes*, call themselves the *Free Nobles of the Empire*, and the *Conjunct, Immediate, and Free Nobility of the Empire*. These, according to the

the respective Circuits in which their Estates are, stand divided into three Classes, of *Divided into three Classes.* *Franconia, Schwaben,* and the *Rhine*, which are again subdivided into lesser Divisions. They have of their own Order certain *Directors* and *Assessors*, who take care of those Affairs, which concern the whole Body of this Order; and if any thing of great moment happen, they call a general Convention, but then they have no Place in the *Diet*, which they look on as a Privilege *But they have no Vote in the Diet.* for the saving of the Expences necessary in such an Attendance. And in truth it would be no great advantage to them to be admitted into the *Diet*, to give their Votes; in all other things they enjoy the same Liberties and Rights with the other Princes and Free States, so that they are inferiour to the Princes in nothing but Wealth. To recompence this, they have great Advantages from the Ecclesiastical *Benefices* and Cathedral Churches in which they are *Canons*; and by this way many of them become Princes of the Empire. They that obtain this Honour, have learned, by the Pope's example, to take good care of their Family and Relations; and besides, there is a wonderful satisfaction in the enjoyment of great Revenues with small Labour; for they employ their Curates or Vicars to make a noise in their Churches, so that they are in no peril of spoiling their Voices by any thing but Intemperance; and as to the inconveniences of living unmarried, their Concubines, which are not wanting, cure them. Those that
make

make themselves Eunuchs for the Kingdom of Heaven, are in the mean time very scarce in *Germany*: And it is almost as infamous in a Nobleman, to be continent, as not to love Dogs and Horses. I have heard some of them complain that some of the Princes have an apparent disgust at their Priviledges, and look upon them with an evil Eye, because living in the midst of their Territories, they enjoy such large Exemptions: And others say, such vast numbers of small *Royolets* do much weaken the Empires in which they are suffered. And if a foreign War happen, they become an easie Prey to the Invaders: Yet for all this, these Gentlemen will not part with a certain Liberty for an uncertain Hazard or Danger; and the rest of the Princes will not suffer so considerable an Addition to be made to the Power and Riches of the Princes they live under, except some great Revolution open a way to this change, or by length of time and crafty Projects their Estates be wasted and consumed.

*The Empire is
divided into
ten Circles.*

15. We must here, in a few words, admonish the Reader, that this vast Body of the Empire, by the appointment of *Maximilian I.* in the year 1512, was divided into ten Circles, the names of which are these; *Austria, Mentz, Trier, Cologne,* and the Palatinate call'd *the Lower Circle of the Rhine, the Upper Circle of the Rhine, Schwaben, Bavaria, Franconia,* the upper and lower *Saxony: Westphalia,* that of *Burgundy,* the Kingdom of *Bohemia,* with the Provinces

ces of *Silesia* and *Moravia*, belong not to any of these Circles : Which yields us a clear proof, that it is rather united to *Germany* by a kind of League, than a part of that Empire. To which of these Circles any Place belongs, may be found in common Books, every where to be had. This Division was made for the more easie Preservation of the Publick Peace, and the Execution of Justice against contumacious States and Princes ; to which end each of them has Power to name a General, for the commanding their Forces, and the appointing their *Diets*, in which the principal Prince in the Circle, for the most part, presides ; in which they take care for the defence of the Circle, and for the levying Moneys for the publick use. Yet a man may well question, whether this Division doth not tend more to the Distraction and weakening of *Germany*, than its Preservation, the whole Body being by this means made less sensible and less regardful of the Calamities which oppress or endanger the Parts of it, and threaten (though at a distance) the Ruin of the whole. Thus much of the Parts of the Empire.

C H A P. III.

Of the Origine of the States of the Empire, and by what degrees they arrived to that Power they now have.

I. **F**OR the attaining an accurate knowledge of the German Empire, it is absolutely necessary to enquire by what steps those that are called the States of the Empire arrived to the Power they now possess; for without this it will not be possible to see what was the true cause that this State took such an irregular form. Now these States are Secular Princes, Earls, Bishops, and Cities, of the Rise of each of which we will discourse briefly. The Secular Princes are Dukes or Earls, who have to these Titles some other added in the German Tongue, viz. *Waltgrave, Landgrave, Margrave, and Burggrave*; for to the best of my remembrance, none of the ancient Princes, except he of *Anhalt*, has the simple Stile of a Prince, without one of these Additions; yet some of them use the Title of Prince amongst their other Titles. Thus they of *Austria* are stiled Princes of *Schwaben*; the Dukes of *Pomerania* (now under the King of *Sweden*) the Princes of *Rügen*; the Landgrave of *Hussia* and *Hersfield*, &c.

*The Secular
Princes of the
Empire are
either Dukes or
Earls.*

2. Amongst

2. Amongst the ancient *Germans*, before they were subdued by the *Franks*, a Duke was a meer Military Officer; as appeareth plainly by the German word *Heerzog*, who for the most part were chosen on the account of their Valour, when a War was coming upon them: In Times of Peace, those that governed them, and exercised Jurisdiction, and governed their Cities, Districts, and Villages, were for the most part chosen out of the Nobility, and were called *Grevens*, or *Glaben*, which is as much as *President*, though the Latin word *Comes* is more often used for it; because from the time of *Constantine* the Great downward, those who were employed in the Ministry or Service of the Court, in the command of the Forces dispersed in the several Provinces of the Empire, or in administering Justice and the execution of the Laws, were all stiled *Comites*. After this, when the *Franks* had subdued *Germany*, and were become Masters of all its Provinces, they, after the manner of the *Romans*, sent Dukes to govern the Provinces in it, that is, Presidents to govern them in Peace, and command their Forces in time of War: And to these they sometimes added *Comites*, for administering Justice; and some Provinces were put under *Comites* only, and had no Dukes; but then all these that were thus employed by them, were meer Magistrates; but in length of time, it came to pass, that some persons were made Dukes for their

The old German Dukes military Officers, as

Their Grevens or Earls were Judges in times of Peace.

The Dukes and Earls made Officers for their Lives, and at last became hereditary Proprietors.

Lives, and the Son for the most part succeeded the Father : So that having so fair an opportunity in their hands, of establishing themselves, they began to look on their Provinces as their Patrimony and Inheritance. Nor can a Monarch commit a greater Error than the suffering these kinds of Administrations to become hereditary, especially where the Military Command is united to the Civil : And therefore I can scarce forbear laughing when I read this Custom, in some *German* Writers, defended, as commendable and prudent ; for it is the Honour of a Prince to reward those who have deserved well of him : But then, if a Master should manumise all his Servants at once, I suppose he might, for the future, make clean his Shooes himself : A Father may be the *fonder* of a thing, because he knows he can leave it to his Son after him ; but then the more passionately he loves his Son, the greater care he ought to take, that a Stranger may claim as little Right as is possible to it. Thus we usually take more care of what is our own, than of what belongs to another : But then a good Father will not give his Estate to his Tenant, that he may use it so much the better. There is a cheaper way of preventing the Rebellions of *Presidents*, than that of granting Provinces to them, to be administred as an Inheritance. And 'tis a very silly thing to measure the Majesty of a Prince, by the number of those in his Dominions, who can with safety despise him and his Sovereignty.

veraignty. To say more were to no purpose; for to expose the Stupidity of these men, it will be sufficient for us to consider, that they are not ashamed to compare the *German* Lawyers with the *Italian, French,* and *Spanish* Writers; and yet the Writings of the greatest part of them shew, they never understood the first Principles of civil Prudence.

3. *Charles* the Great observing the Error committed by his Ancestors, took away the greatest part of the Dukedoms, which were of too great extent; and dividing the larger Provinces into smaller parts, committed them to the care of *Counts, Comites,* or *Earls*, some of which retained the simple Name of *Counts*, and others were call'd *Psaltzgraves*, or *Psaltzgraven*, *Comites Palatini*, *Count Palatins*, or *Prefects of the Court-Royal*, and in that capacity administred Justice within the Verge of the Court. Others were call'd *Landgraves*, that is, *Presidents* set over a whole Province. Others were call'd *Marggraves*, *Presidents* of the Marches or Borders, for repelling the IncurSIONS of Enemies, and administring Justice to the Inhabitants. Others were called *Burggraves*, that is, *Prefects* or *Governours* of some of the Royal Castles or Forts. And these Offices and Dignities were not granted by *Charles* the Great, in Perpetuity or Inheritance, but with a Power reserved to himself, to renew his Grants to the same person, or bestow them on another, as he thought fit. But after

Charles the Great endeavoured to redress this error.

But his Posterity returned to the former ill management.

Otho Duke of Saxony, a King in Fact, though not in Title.

the Death of *Charles* the Great, his Posterity returned to the Errors of the former Reigns, and not only the Sons were suffered to succeed their Fathers in these Magistracies or Governments, but by a conjunction or union of many Counties or Earldoms, or by the Will of some of his Successors, some *Dukedoms* were again formed, which contained great Extents of Lands. The *Presidents* employed by them in the Government of these Provinces, thought it a piece of Cowardice and Sloth in themselves not to take hold of these occasions and opportunities of establishing themselves and their Posterities, (as the nature of Mankind is prone to Ambition) especially when the Authority of the *French* Emperors declined, and became every day more contemptible, by reason of their intestine Dissentions and destructive Wars with one another. And in the first place, *Otho* Duke of *Saxony*, the Father of *Henry* the *Falconer*, having under him a large and a warlike Nation, so established himself, that he wanted nothing but the Title to make him a King: And when *Conrad* I. Emperor of *Germany*, undertook to subdue and bring under *Henry* his Son, he miscarried in the Attempt, and at his Death he advised the Nobility to bestow the Imperial Dignity on this his prosperous Rival, thinking it the wisest course to give him what he could have taken by force, for fear he should canton himself, and disjoin his Dominions from the rest of *Germany*.
There

There are yet some Princes, who owe their Dominions to the Liberality of some of the Emperors; Examples of which occur frequently in the Histories of the *Otho's*; and whether this is consistent with the Laws of Monarchy, I am not now at leisure to enquire. After these Beginnings or Foundations, Princes encreased their Power afterwards by Purchases, by Hereditary Descents, not only in the Right of Blood; but also by mutual Pacts of Successions, which the *Germans* call, *Confraternal Inheritances or Successions*, which are of the same nature with that League between the potent Houses of *Saxony*, *Brandenburg*, and *Hassia*, which is now in force: And by vertue of such a League, the Dukes of *Saxony* obtained the Earldom of *Henneberg*, and the House of *Brandenburg* the Right of *Pomerania*, though that League was not reciprocal; and yet it is apparent, these Leagues are injurious to the Emperor, who has the Right of a Lord over the Dominions of the Princes, and ought, upon a vacancy, to dispose of the Fee. Lastly, Some Estates have been seized by force, by some of them, when *Germany* was involved in Wars and Disturbances.

Other Princes raised to this Dignity by the Emperors.

Others by Purchase, Inheritance, or Usurpation,

4. But then, in after times, when it appeared, that the Power which these Princes had once gotten, could not be dissolved without distracting all *Germany*; and perhaps not so neither, without hazarding the Ruin of him that should attempt it, it seemed better to the succeeding Kings, especially

In after times these Powers were confirmed by the Emperors,

after they saw they could not obtain the Empire without it, to confirm their Possession; so that from thenceforth they enjoyed their Territories as *Fees*, acknowledged to depend on the Emperor, and swore Allegiance to him and the Empire. From hence it is, that by what means soever the Princes got their Estates, they now hold them as *Fees* of the Empire: Yet the name of *Vassal* has not deprived these Princes of any considerable part of their Power and Grandeur; for, if I grant a man any part of my Estate, to be holden of me as a *Fee*, though I put him thereby into a full possession, yet I make him my Subject, and I, as the Lord of the *Fee*, may prescribe what Laws or Conditions I please to the possession of what I thus grant: But then, he who consenteth to acknowledge what he already hath, to be a *Fee* holden of the Party thus consented to, is supposed only to own the Lord of the *Fee* as a superiour Confederate in an unequal League, and so to respect his Majesty and reverence his Dignity. The Line of *Charles the Great* failing, *Germany* became perfectly free, and many of the Nobility, before that time, had acquired to themselves great Dominions; when therefore it was thought fit to give the *Regal Title* to some one Person chosen out of the Nobility, that *Germany* might not return into her ancient weak, defenceless state, by being broken into small Governments: It is not to be thought, that the Princes were willing to cast

Upon the failing of the Line of *Charles the Great*, *Germany* was perfectly Free.

cast away their Dominions, or to submit them to the Absolute Dominion of another ; but rather to seek a strong Protector or Defender of their Rights. Thus the State of these Princes being once introduced and confirmed, it was fit that those who were afterwards exalted to that Dignity by the Emperors, in the stead of any Families that happened to be extinguished, should also be advanced to the same state of Freedom and Power with the ancient Princes. And in the mean time, those that are well versed in Civil Prudence, or Politicks, will easily acknowledge, that this *Federal* Obligation of the Princes to the Emperor, only made them unequal Allies or Confederates, and not Subjects, properly so called ; for it is inconsistent with the Person or Notion of a Subject to exercise a Power of Life and Death over all those that are in his Dominions, or to appoint Magistrates as he thinks fit, to make Leagues, and levy Moneys to his own use, without being accountable for the same to the Royal Treasury, or giving to it any more than he himself shall think fit. But then, to force an Ally by the rest of the Confederates, who offends against the Rules of the League, is very usual in all such cases, and there are many Examples of it both in ancient and modern Story. But to acknowledge the Emperor to be the sole Judge of the Cases for which a Prince may deserve to be deprived of his Dominions, as it would pull up the Foundations of the Power of Ger-

The Princes of Germany not Subjects, but Allies to the Emperor.

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man Princes, so those who have alwaies opposed the Emperors that have attempted at any time to do it, have thought it a slavish and base Respect or Reverence to him, to betray their Rights so far, as to suffer him to do it.

Great Emperors are well obeyed, the weaker are despised.

5. From thenceforward, as it has ever happened in all Empires where the Power of the Subject has been formidable to the Sovereign, so more signally has it happened in *Germany*. viz. 'That when they had 'Emperors of great Wealth, or very much 'Reverence, on the Score of their eminent 'Virtues, the Princes were most obsequiously subject to them; but when they have 'had weak or unactive Emperors, they 'have had only a precarious Command 'over them. And those Emperors again who have endeavour'd to pluck up this so deeply rooted Power of the Princes, and to reduce *Germany* into the condition of a true Monarchy or Kingdom, have sometimes pull'd Ruin down upon themselves, and have ever failed of their hopes, and gain'd nothing by it, but the disquieting themselves and others. Nor have those that endeavour'd to do it by Craft made any progress, because some or other have found out the Design, and disappointed it; and if any thing were gained from the Princes at any time one way, it was lost another. Thus it is known to all men, what ill Successes, in the last Age, attended the Attempts of *Charles V.* and *Ferdinand II.* yet *Luxury, Sloth, and Prodigality have won-

* Luxury has impoverished some of the Princes.

wonderfully weakened some of the Princes, because they took no care to augment or keep what they had. And several of the Families are also weakened by dividing their Patrimony and Dominions amongst their Brethren and Kindred: And some, without any fault of theirs, have been ruined by the Calamities of the Civil Wars.

6. I must in the next place speak something of the Bishops too. Now it is certain, *The election of the Bishops.* that in the first times of Christianity the Bishops were elected and constituted by the Clergy and the Faithful People; afterwards, about the IV. Century, when Princes embraced the Christian Religion, a Custom was taken up by them of not suffering any person to be made a Bishop without their Consent, because they very well understood, that it tended very much to the preservation of the publick Peace, to have good and peaceable men in that eminent Office. The Kings of the *Franks* took up the same Custom, and would suffer none to be made Bishops in their Kingdom, but such as they approved of. And the Emperors of *Germany* continued the same Right till the Reign of *Henry* the Fourth: *Gregory* the Seventh began a Quarrel against this Prince on that Score, which was carried on by his Successors, against the succeeding Emperors; till at length his Son *Henry* V, weary of the Broils this Controversie had occasion'd, in the *Diet* of *Worms*, in the year 1122, renounced this Impe-

Renounced by
the Emperor.

Imperial Privilege of constituting and investing the Bishops; but yet the Emperor had still the Right of delivering to the elected Bishop the *Regalia* and *Fees*, by the delivery of a *Crosier*. Now it is not easie to conceive what the Emperor lost by the yielding this great point; for though his power before over the Secular Princes was not great, yet as long as the Church was subject to him, he could easily equal, or, if need was, overrule their Forces. In the Agreement between the Pope and Henry the Fifth, the Election of the Bishops was settled in the Clergy and People jointly, yet afterwards the *Canons* of the *Cathedral* Churches began to claim the sole power of chusing them, the Pope conniving at this their Usurpation, it being more for his Interest to have this Affair in a few hands, than in many. At length things came to this: That the Confirmation of the new elected Bishop was to be sought from *Rome*, whereas this, as well as the Consecration before, belonged to the *Metropolitan*. But then, the Examples of Men, provided beforehand with Bishopricks, by the power of the Pope, was very rare in *Germany*, and I suppose the reason was, because the Chapters would scarce have submitted patiently to a Bishop, so obtruded on them (though it was practis'd frequently in other Countries.)

The Bishopricks
of Germany
endowed by
the Emperors.

7. The Bishops of *Germany* are indebted to the Liberality of the first Emperors, for all those Provinces and great Revenues they

they now enjoy ; a fervent Piety and Zeal in those times ruling in the minds of Princes, because they thought the more they gave to the Church, the more they united themselves to God. Which Opinion is much abated in our times, because many now (how truly I know not) have taken up another, contrary to it, viz *That over great Wealth, bestowed on Church men, tends rather to the extinguishing than nourishing of Piety and Religion.* The Church-men also of those early times seem to have had the Grace of asking, without fear, whatever might seem convenient for the allaying the Hardships of their Profession. Thus the Bishops and Churches obtained of these good Princes not only *Farms, Tithes, and Rents*, but also whole *Lordships, Counties, Dukedoms*, with all the *Regalia's* or Royalties annexed to them, so that they became equal in all things to the Temporal Princes. But then, in truth, they obtained the Degree of Princes but in the times of the *Otho's*, and those that followed ; and they got not the *Regalia* all at once, but by little and little, some at one time, and some at another : And from thence it comes, that some of the Bishops have not yet got them all, and others have them under the restraint of certain Limitations. There were two other things contributed very much to the acquiring all these great Riches and Honours for the Church. 1. That many of the Nobility in those times took Orders, and became Church-men ; and, 2. That all the little Learning

Learning those barbarous Ages had, was in the Clergy. This occasion'd the calling the Bishops to Court, to give their Advice, and the employing them as Judges and Governours in the Provinces, because these things cannot be well perform'd without some Learning. And this was the true reason why the Office of Chancellor was at first annexed to the principal Bishops *Sees*. I do also believe, that the Riches of the Church were very much improved by many Princes and Noblemen, who resigned their Estates, or a part of them, to the Bishops, and took them again as *Fees* from them, that they might so oblige them to take the more care in recommending them, and their Salvation, to God in their Prayers, and as their Families afterwards were extinguished, their Estates were united to the Bishopricks. Who knows not also what vast Additions have been since made by the Wills of Dying Men, when a Nation that is naturally afraid of Heat and Thirst, saw they must buy off the Roasting in Purgatory, by that means which they feared above all men?

When they became very rich, they would not be subje^t to their Benefactors.

8. The Church-men might have been well contented with their Condition in *Germany*, though they had neither abjured Ambition nor Avarice: But then, as they of all men are desirous to have others under them, so they could least endure to see others above them, and therefore thought this was still wanting to perfect their Happiness in this World, because they were still

still forced to receive all they had from the Emperor, and consequently were forced to live in a dependence on him. If the Reverence I owe that most Sacred Order of Men, did not restrain me, I should say, they were the worst of men, who, as the event shews, abused the Imprudent Liberality of the Emperors, to the Ruin of that Majesty and Power that had raised and enriched, dignified and ennobled them. Certainly, he is not worthy of Liberty, who is not willing to own his Manumissor for his Patron and Master. That therefore this Tribe of *Levites* might wholly free themselves from the Subjection of the *Laicks*, the *German* Bishops strenuously solicited the Pope to send abroad his *Vatican* Thunders, and raised plenty of Comotions in the Empire, to second them, by both which they at last gained their Point: For the Archbishop of *Mentz* led the way, and the rest of the Flock followed him faithfully, and would never suffer their Prince to have any rest, till he would permit them to depend on no body but the Pope. This, as many think, brought a signal Mischief on the *German* State, viz. The having so many of its Members acknowledge a Foreign Head, unless we can think the Pope was so fondly in love with *Germany*, that he desired nothing more than its Preservation, and that they at *Rome* knew better what was for the Good of *Germany*, than the very *Germans* themselves did.

Of the Free Cities.

Why the Germans of old had no Cities.

9. It remains now, that we say something of the *Free Cities*. *Germany*, till the V. Century after Christ, had nothing but Villages, without Walls, or dispersed Houses, in all that part of it which lies to the East and North of the *Rhine*: Even in the IX. Century, there is only mention made of a City or two in that part which borders on the State of *Venice*: But then there were many Cities built by the *Romans*, much more earlily in that part which lies on the French side of the *Rhine*, of which the *Romans* were possess'd; as also between the *Danube* and the *Alps*, which belonged then to them, but was afterwards a part of *Germany*. The reason why in those ancient Times they had no Cities, was first, because the old *Germans* had no skill in Architecture; which Ignorance still appears in many places of this Country; and secondly, The *Fierceness* of the Nation, which made them averse to these kinds of Habitations, as a sort of Prisons; and also, thirdly, Because the Nobility placed their greatest Pleasure in Hunting, and therefore neither knew nor much valued the Conveniencies of having Cities and great Towns. Their Dyer then was very mean, their Furniture and Clothes cheap, and they neither knew nor regarded the Superfluous Effects of Wealth or Luxury; but after their Minds were civiliz'd and softned by Christianity, they began, by degrees, to affect the elegant way of living; the love of Riches, and a studied Luxury followed, and was brought in

in from abroad, both which are nourished by great Cities: The Princes also having amass'd great Riches, took a Pride in building Cities, and invited the Rusticks of *Germany*, and the Inhabitants of other Nations, to settle in them, by the Grant of large Priviledges, especially after the Christian Religion had abolished *Villanage* or *Slavery*, and the *Liberti* or Freemen had no Lands to subsist on, they flew by Flocks to the Cities, and betook themselves to Manufactures and Trading. The Irruption of the *Hungarians* forced *Henry the Falconer* to build many Cities and strong Holds in *Saxony*, and he made every ninth man be drawn out of the Country to inhabit them: The Leagues afterwards between the Cities, for their mutual Defence and Trade, gave them great Security, and by consequence made them populous and rich. The principal of these Leagues is that made by the Cities on the *Rhine*, in the year 1255, in which some Princes desired to be included: The *Hanse* League was chiefly made on the account of *Maritime Commerce*, and grew to that height of Power, that they became terrible to the Kings of *Sweden*, *England*, and *Denmark*. But then, after the year 1500. it became contemptible, because the lesser Cities, when they found the greater got all the profit, fell generally off, and deserted them. And the Nations upon the Ocean and *Baltick* Sea, by their example, began, about the same time also, to encourage Trade in their own Subjects, especially

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cially the (*English*) *Flandrians*. and *Hollanders*. Thus their *Monopoly* failing, their Strength fell with it.

the Cities at
subject to
Kings or
Emperors of
many.

10. Though in the beginning the Cities were in a better condition than the Villages, yet they were no less subject to the King or Emperor than they, and these Princes took care to have Justice exercised in them by their *Counts* or deputed *Judges*, as they call'd them. After this, by the enormous and imprudent Liberality of the Emperors, many of the Cities were granted to the *Bishops*, others to the *Dukes* and *Counts*, and the rest remained (as before) only subject to the Emperor. In the XII, Century they began to take more liberty. as they found they could relie upon their Riches, because the Emperors, by reason of the Intestin Wars, were not able then to reduce them to a due Obedience; some Princes were but just advanced to the Imperial Dignity, and so were forced also to purchase the Favour and Assistance of the great Cities, by the Grants of new Privileges and Immunities, that they might employ them as a Bulwark against their Refractory Bishops and Princes; after this, by degrees they shook off the Emperor's Advocates. The succeeding Emperors observing also, that the Bishops employed their Wealth against them, encouraged the Cities to oppose the Bishops. The Dukes of *Schwaben* failing, many small Cities in the Dukedom caught hastily at the opportunity of being made free; yet they did not obtain

tain their Freedom all at once, but one after another, as they could gain the Favour of the Emperor; and that is one Reason that they have not all the same Priviledges, and some of them want a part of the *Fegalia* to this day. Some of them bought these Priviledges of their Dukes or Bishops, and others shook them off by force, and then entred into Treaties for the purging that Iniquity; for when these Princes were poor or low, their last Remedy was, to sell the richest of their Subjects their Liberty; and others, when they saw they could no longer keep them in subjection, took what they could get from them, and were unwillingly contented with it.

C H A P. IV.

*Of the Head of the German Empire,
the Emperor ; and of the Election and
the Electors.*

*The Emperor
the Head of
Germany.*

I. **T**Hough *Germany* consisteth of so many Members, many of which are great and perfect States, yet it has at all times (excepting the *Interregnums* which have happened) since *Charles* the Great, been united to one Head (which the Ancients only call'd their King, the later Ages by the more ambitious Titles of the *Roman Emperor*, and *Cesar*) and upon the sole account of this Head, it has seem'd, to the most of men, to be one single simple State: And my next business is, to shew how this Head is constituted or appointed; but then it will be worth my while, by way of Introduction, to represent this Affair from its Rise, that it may the more clearly appear how much the present differeth from the ancient Election, and what is the true Original of the *Electoral Princes*. As to *Charles* the Great, and his Posterity, the *Roman Empire* and the Kingdom of *France* are to be severally and distinctly considered: The first of these was collated upon *Charles*, by the Pope and the People of *Rome*, as the prin-

*The Empire of
the Romans
pretendedly gi-
ven by the Pope.*

principal Members of that Empire, or rather, as upon one who plainly designed to make himself Emperor, and that as appeareth, in an Hereditary way : So that the Crowning his Successors had not the force of a new and free Election, but of a solemn Inaguration : For we read, that *Charles the Great* made *Lewis* his Son, and *Lewis* made also *Lotharius* his Son their Consorts in the Empire, and yet there is no mention made of their asking the Consent of the *Pope*, or of the *People of Rome*, on either of these occasions. But then, as to the ancient Kingdom of *France*, we cannot affirm, that it was either meerly elective, or meerly hereditary, but a mixture of both : For we read frequently, that the Kings of *France* were constituted by the Consent and Approbation of the Nobility and whole People of *France*, but in such a manner yet, that they never chose out of the Line of the dead King, but for very great reasons ; which kind of Election is (as we know) still observed in *Poland* ; yet he that shall curiously observe it, shall find, *France* had more of a Successive than of an Elective Kingdom ; So that it seems to have been collated on the first of the Race, with a Condition, that he should transmit it to his Posterity, unless they appeared to the People very unworthy of it. So that the Children of the Deceased King did not so much gain a new Right to the Kingdom by this Approbation of the Nobility and People, as a Declaration, that they were not un-

The Kingdom of France more hereditary than elective.

Germany gi-
ven freely to
Otho, and after
to Conrad.

The Empire of
Rome united to
the Kingdom of
Germany for
ever.

capable of succeeding, by the Right that was at first collated on them: Afterwards the Line of *Charles the Great* being deposed or rejected, and denied the Throne of *France*, the Kingdom of *Germany*, or, as they then called it, the *East Kingdom of France*, was, by the most free Consent of the Nobility, given to *Otho the Saxon*, who excusing himself on the account of his Age, by his Advice *Conrad Duke of Franconia* was by them chosen King of *Germany*, who was, as some think, of the Line of *Charles the Great*. By his Counsel also afterwards *Henry the Falconer*, Son of *Otho Duke of Saxony*, was by a free Election advanced to that Kingdom, who being contented with *Germany*, would not accept the Title of *Emperor*, though the Pope offered it to him; but *Otho the Great* his Son, having subdued *Italy*, so united *Rome*, and the Lands of the Church to *Germany*, that from thenceforward he that had the Kingdom of *Germany* without any new Election, should be Emperor of *Rome*, the Crowning by the Pope being nothing but a Solemnity, though before this Ceremony the Kings of *Germany* had not usually used the Title of *Emperors*. The same form of Succession hereupon was used in *Germany*, which had been observed in the old Kingdom of *France*, viz. That the Consent of the Nobility and People did not easily depart from the Order of a Lineal Succession in the Royal Family: And this continued to *Henry IV.* who being young, and

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perhaps not Governing well, the Nobility thereupon, by the procurement of the Pope, rose up against him, and deposed him from the Kingdom, and, for the time to come, made a Law, *That though the Son of the last King were worthy to succeed him, yet he should attain the Throne by a Free Election, and not by a Lineal Succession*; as the words of that Constitution run.

2. That old Approbation and Election was made by all the People, though it is not to be doubted but the Authority of the Nobility and Princes, or of the Bishops and Peers, was much valued: But now, for some Ages past, Seven chuse the Emperor in exclusion of all others; and since the Treaty of *Osnaburg*, Eight of the principal Princes are to do it, who from thence are called, The **ELECTORAL PRINCES**: Of these, Three are stiled *Ecclesiastical Electors*, viz. The Archbishops of *Mentz*, *Trier*, and *Cologne*; and Five are *Temporal* or *Secular Electors*, the King of *Bohemia*, the Dukes of *Bavaria* and *Saxony*, the Marquess of *Brandenburg*, and the Count *Palatine* of the *Rhine*. It is not very clear how these Princes came by this Right for two Ages, viz. from the year 1250, to the year 1500, it was a received Opinion, That *Otho III.* and Pope *Gregory V.* instituted the Seven Electors, but with this Difference, that some Authors ascribe the principal share in the Act to the Emperor, and others to the Pope, as each man was affected to them. Our Countryman *Onuphrins Parvinius*.

The ancient Elections not made by any certain number of Princes exclusively.

The 7 Electors not instituted by Otho III.

nus was the first man that opposed this Opinion in a Book, *De Comitibus imperatoris*, of the Imperial Diets, which is since approved by all the wisest of the German Nation. His best Argument against it, is, Because this *Ottonian* or *Gregorian* Constitution was never yet produced by any man, and no man has mentioned it from the times of *Frederick II.* to those of *Otho III.* which contains 240 years; for the first that mentions the Electors was one *Martin* a *Polonian*, who lived under this *Frederick*, and therefore his Testimony was justly liable to exception, seeing it was not supported by any better in an Affair which happened so long before his own times: And yet, after all, he doth not mention any such Constitution; nor doth he say, the Electors began in the time of that *Otho*, but that, after his times, the Officers of the Empire began to elect: Which is capable of a double sense, either because they were then possess'd of very large Dominions, who before had the principal Offices in the Court; or because those Offices were then first collated for ever on Princes that had very great Dominions, who, though perhaps they had a Signal Authority, as the most eminent men above all others; yet that the Election belonged to other Princes besides these Seven, can be denied by no man who is not very ignorant of the German Antiquities. Others have ascribed the appointing the Seven Electors to *Frederick II.* but then there is no Record of any Law

to that purpose any where to be found ; nor is it probable , that the rest of the Princes so early and so easily parted with their Right of Electing.

3. The current Opinion of the most Skilful in the *German Affairs*, is, That before the times of *Frederick II.* those Seven Princes, as the great Officers of the Empire, and persons that had great Estates, began by degrees to overtop the rest, and to have the greatest Authority in the Elections of the Emperors ; but after the times of this *Frederick*, the *German Affairs* being wonderfully disordered, whilst the rest took little or no care of the Publick, these Seven assumed it wholly to themselves. This, after it was confirm'd into a Custom by some repeated Acts, was at last passed into a Law by the solemn and publick Sanction of the Golden Bull, in which the whole form of the Election, and all the Power of the Electors, is contained ; and from thenceforward those Princes added to their former Titles that of *Electors*, and were ever after esteemed as persons set in an higher Station and Dignity than the rest.

But yet they seem ancients than Frederick II.

5. Thus, though at the first these Princes seem to have assumed the power of electing the Emperor, as they were the great Officers of the Empire ; yet afterwards, by the Law call'd the *Golden Bull*, those very Offices, as well as the *Electoral Dignity*, are annexed to certain Dominions ; so that whoever is legally possessed of them,

Of the Privileges of the Electors.

is

is thereby made one of the Electors; the *Ecclesiastical Electors* in the mean time are made by Election or Collation, as the other Bishops of *Germany* are; where it is to be observed, that though these Bishops, to enable them to perform the other Functions belonging to their Office, stand in need of the Pope's Confirmation, and the Pall, which they must not expect *gratis*; yet they are admitted without them to the Election of the Emperor, because these Secular Dignities pass without the Character: But then, when the See is vacant, the *Chapter* has no Right to meddle with the Election: In the Secular or Temporal Electors the Succession passeth in a lineal Paternal Descent, so that neither the Electoral Dignity, nor the Lands united to it, admit of any Division: But if a new Elector is to be made, or for some Offence any one is to be deprived of that Dignity, it is, without doubt, agreeable to the other Laws and Customs of the Empire; for the Emperor not to dispose of the said Dignity, without the Consent of the other States, or, at least, not without that of the Electors; though it is not to be denied, the last Age saw an Example to the contrary, against which however one or two of the Electors protested, the Emperor despising their words, because he saw his Arms prosper; yet this Prince had wit enough to bestow the Dignity on one of the same Line and Family, which tended very much to the abating the Envy of the Fact;
and

and divided two most potent Families, by raising an endless Emulation between them, and made that Party that was obliged by the Grant, obnoxious to the Imperial Family, for the preservation of it. If any of the Electors happen to be a Minor, their Guardians supply their place, and the Minority ceaseth when the Prince is Eighteen years of age.

6. The manner of the Election is thus: The *Elect*or of *Mentz*, within one Month after he knows of the Death of the Emperor, signifies it to his *Colleagues*, and calls them to the Election that is to be made, who meet in person, or by their Proxies: When they enter *Frankford*, each of them is allowed Two hundred Horsemen, and no more; but this thing at this day is not nicely observed. Whilst the Election is making, all Strangers are commanded to depart. They begin the Election in the Chancel of the Church of *St. Bartholomew*, with the Ceremony of the Mass, then they come to the Altar, and each of them sweareth, that he will chuse a fit person to be Emperor. The Bishop of *Mentz*, as Dean of the College, gathereth their *Votes*, and first he asketh the Bishop of *Trier*, then the Bishop of *Cologne*, and so all the rest in their order, and gives his own in the last place. The majority of *Votes* is as good as the whole; but then, whereas there is now eight, it was never yet certainly agreed what should be done, in case the *Votes* should happen to be equally divided. None
of

*Of the manner
of the Election.*

of the Electors is excluded from the Right of nominating himself. When the Election is made, it is recorded in Writing, and confirmed with the Seals of the Electors; then they all together go to the Altar, and the Elector of *Mentz* assembles the People, and declareth to them the Name of the new elected Emperor, out of the Writing: After this, the Empire is committed to him upon certain Conditions, but so, that he is forthwith bound to confirm to all and every one of the Electors, all their Rights and Priviledges. By the *Golden Bull, Aix la Chappelle* is appointed for the City where he is to be Crowned, though for the most part, ever since, the Coronation is perform'd in the same place where the Election is made, and because that City is in the Diocess of *Cologne*, that Ceremony has been commonly performed by the Elector of *Cologne*; yet the Bishop of *Mentz* alwaies puts in his Claim for it, and, if I be not deceived, of late this Controversie is thus determin'd; That they shall do it by Turns, whereever the Emperor is Crowned. The rest of the Ceremonies may be easily found in *German Writers*.

*The Electors
have deposed
an Emperor.*

7. Perhaps it would be too hard, and too invidious, to make a Publick and Formal Law, to declare, That the *Electors* have a full Right and Power to depose the Emperor, if he deserves it, as well as to elect him: Yet it is certain, they exercised this Power upon *Wenceslaus, Sigismund*, the Son of *Charles* the

the Fourth being elected in his stead, in the year 1411. This Prince, that he might gain the Empire, made the *Golden Bull*, and rewarded the Electors with great Gifts, which is very much resented by those who are not well affected to the Electors. Henry the Fourth was deposed by the other Princes joined with the Electors: And in truth the Bishops of *Mentz* have pretty plainly and fearlessly sung this Tune, and claimed the Right of deposing the Emperors, to one or two of them, who were engaged in Designs that were not acceptable to these Prelates.

8. The Electors have some other Princely Rights, beyond what belongs to any of the other Princes; for they are not only the greatest Officers of the Empire, but they have Right also, in some Cases, to exclude all the rest of the States and Princes, and to consult amongst themselves about things of the greatest importance. The Archbishop of *Mentz* is Lord Chancellor of *Germany*. The Archbishop of *Trier* of *France*, and of the Kingdom of *Arles* (by which Names the most skilful do not understand all that Country that is now call'd *France*, but only so much of it as in the XI Century belonged to the Kingdom of *Burgundy*, and was then united to *Germany*.) And the Archbishop of *Cologne* is Chancellor of *Italy*: But then, at this day, the first of these has an effectual Power, and the other two have nothing but meer empty Titles. The King of *Bohemia* is Lord Cup-bearer,

The Electors have some other special Privileges.

and

and in the highest Ceremonies and Solemnities, gives the Emperor the first Cup of Wine. The Duke of *Bavaria* is now Lord High Sewer, and carrieth the *Pome* or *Globe* before the Emperor in the Solemn Processions. The Duke of *Saxony* is Lord High Marshal, and carrieth the naked Sword before the Emperor. The Marquess of *Brandenburg* is Lord High Chamberlain, and gives the Emperor Water to wash, and in the Solemn Procession carrieth the Scepter. The Count *Palatine of the Rhine* is Lord High Treasurer, and in the Procession to the Palace, at the Coronation, scattereth the Gold and Silver Medals amongst the People. Each of the Secular Electors has his certain known Deputy for the performance of his Function; *Limburg* beareth the Cup for the King of *Bohemia*; *Walburg* is Sewer for *Bavaria*; *Papenheim* carrieth the Sword for *Saxony*; the Counts of *Hoeszollerren* is Deputy for *Brandenburg*; and *Sinszendorf* for the Count *Palatine of the Rhine*. There are also other Priviledges belonging to the Electors, which are express'd in the *Golden Bull*, as peculiar to them, but are at this day possess'd by other Princes too, two only excepted, viz. 1. That there lies no Appeal from their Judgment; and, 2. That in the regranting their Dependent Fees, they are above controul; and as to the taking up their own, they do it without any Charge: And perhaps there may be some others.

9. When

9. When there is an *Interregnum*, or What is done during the Interregnum. want of an Emperor, the Count *Palatine* of the *Rhine*, and the Duke of *Saxony*, supply that Defect, and Govern as Viceroy's; the first, all the Countries on the *Rhine* and *Schwaben*, and wherever the *Franconian* Laws and Customs take place: The second takes Care of all the Countries which are under *Saxon* Laws; but then neither of them are allowed to dispose of the Fees of the Empire, which shall become vacant by the Death of any Prince, which are given by the delivery of a Banner. Nor can they alienate or mortgage any of the Demeans of the Empire; all the rest of their Acts are for the most part confirmed by the new elected Emperor. In the last Vacancy, upon the Death of *Ferdinand III.* the Duke of *Bavaria* disputed the Count *Palatine's* Viceroyalty; to gain his Point, the Duke of *Bavaria* used great Policy, that he might not be disappointed in his design: He laid Post-Horses and Curriers on the Road, who gave him an account of the Death of the Emperor very early, and upon that he presently sent Letters to acquaint the Princes and States with it, and that he had taken upon him the Care of the Empire in the *Franconian* Circles; whereupon many of the Princes and States being surprized by this subtle Management, congratulated his Honour before the Death of *Ferdinand* was known to the Count *Palatine*, whose Right it was. But however, that Count did not patiently

ly suffer his Right to be thus sliely stolln from him, but declared for the future he claimed this his *Vicarian Power*, and entered a Complaint against the Duke of *Bavaria*, for thus usurping his Right : And it is very certain, the far greatest part of the Princes repented they had consented to this Attempt of the *Bavarian*, but could not then recall their Letters to him : But then, as is usual in such Encroachments, no man was willing to join with the Oppressed, and make his Quartel his own, afterwards they printed Books one against the other. Now, though no man could wonder that the Duke of *Bavaria* should venture upon this Practice, who in the more flourishing state of the Count *Palatin's* Affairs, had pretended to the *Electorate*, and now having got part of the *Palatin's* Country, had increased his own Power, and was otherwise well assured of the Concurrence and Favour of the House of *Austria*, both on the account of Kindred and Religion ; yet the far greatest part of the indifferent Spectators thought the Count *Palatine* had sufficiently shewn his Right, and demonstrated that this *Vicarian* Viceroyalty was no part of the Great Lord *High Sewer's* Offices, but was perpetually annexed to the *Palatinate* of the *Rhine*, as the Duke of *Saxony* has the other half of that Power in the rest of *Germany*, not as *Electer*, but as *Palatine* of *Saxony* : But then, as there were many that openly favoured the *Bavarian*, so the rest were not willing openly to espouse the

the opposite side, and that Prince would not confess he had done wrong, and so the Controversie remains undetermin'd still.

10. Sometimes there is joined to the Emperor *Extra Ordinem*, a King of the Romans, *Of the King of the Romans.* in pretence as his General Vicar or Deputy, who in his Absence or Sickness is to Govern the State; and upon his Death, to succeed without any new Election. But then, though the Good of the State has ever been pretended, as is usual in such Cases; yet the real Cause has ever, or, at least, most usually been, That they might with the greater ease, in their own lifetimes, prefer their Sons, Brothers, or near Kinsmen, to the Empire, by the Influence or Recommendation of a Regnant Emperor; foreseeing, that one that was chosen in a Vacancy or *Interregnum*, would have harder terms imposed on him by the Electors. Joseph King of Hungary, the eldest Son of Leopold the present Emperor of Germany, who was born the 25th. of July, 1678. was chosen King of the Romans the 24th. of January, 1689. and Crowned the 26th. at *Ausburg*. This Emperor has another Son of his own Name, who was born the 12th. of June, 1682. who ought to have been taken notice of in the end of the former Chapter, where the Males of the House of *Austria* are set down, but it slipped my Memory till that Sheet was wrought off.

C H A P. V.

*Of the Power of the Emperor, as it now
 is limited by Treaties; and the Laws
 and Customs of the Empire; and the
 Rights of the States of Germany.*

*Of the Limits
 set to the Im-
 perial Power.*

1. **I** Have already shewn by what degrees and upon what occasions the Nobility of *Germany* mounted themselves to that excessive height of Power and Wealth, as is wholly inconsistent with the Laws of a regular Monarchy. Nor is it worth our wonder, that when the Election of the Emperor in aftertimes was devolved upon them, they set their Hearts upon the preserving what they had gotten. By this Change in the State of Affairs the Kings (of *Germany*) lost the Power of Disposing or Governing as they thought fit, the Concerns of that Nation, and were necessitated to consult the Princes in things of great moment, and transact more of their business with the States by their Authority, than by their Sovereign Power; and there is no question to be made, but the Princes inserted a Clause to this purpose very early into the Coronation Oath of *Germany*, (which is usually administred to all Christian Princes, in a very solemn manner, upon their

Ac-

Accession to any Crown) viz. That the King should Promise and Swear to Defend all the Rights of all and singular the Inhabitants of Germany, and observe and keep all the laudable Customs in that Kingdom received and used. But whether in process of time any particular Laws were added to the old, and comprehended in Writing, is not so manifest, because before the times of Charles the Fifth, we have no Copies of any such Capitulations or Agreements; and those that are pretended to be more ancient, are of no great certainty. And whereas it is said in the *Golden Bull*, *The Emperor shall presently confirm all the Rights, Privileges, and Immunities of the Electoral Princes, by his Patent under Seal.* This seems to belong only to them, and therefore is a very different thing from the Agreement by which the Emperor is now obliged to engage for the Liberty or Freedom of the whole Empire. Now, the Reasons why the Electors desired to have Charles the Fifth bound to them, in so many express and tedious Articles and Covenants, was, That they considering the great Power of that Prince, his Youth, High Spirit, (testified by his Motto *Plus ultra*) and his other Advantages, feared lest he should imploy his Patrimonial Estates to subdue the German Nation, and took this way, to make him consider, That he must Govern Germany after another manner than he did his other Dominions. And this Custom being once taken up, has

been ever since continued, though there are not the same Reasons there were at first for it.

These Conditions prescribed only by the Electors.

2. These Conditions have been prescribed to the Emperors by the Electors, without consulting the other States of *Germany*, though they have sometimes complained of it, and in the last Treaty of *Munster* it was moved, *That in the next Diet there might be care taken to draw up a standing form of Articles, which should be perpetual.* And I heard, when I was at *Ratisbone*, that it was then under serious Debate, and that much Paper had been spent in that Service; but the Wiser part thought the *Electors* had no reason to fear the event of this Consultation, because it was the Emperors Interest, as well as theirs, that the *Electors* should still be in a better condition than the other Princes; for they being few in number, might more easily be brought to a compliance with him, than the other States, which were more numerous, and therefore it was reasonable on the other side, that he should rather indulge them of the two. And those Princes of the Empire who were descended of the Electoral Families were very inclinable to it too, and the Demands of the rest might be deluded, without much difficulty. Nor doth it agree with the Manners of *Germany*, to deprive any man of what he has by Force and Combination, however he came by it. They added, That though what the States asked

asked was not unreasonable, viz. That they might be equally secured in the Capitular with the Electors ; yet that it was not possible to pen an Instrument in such manner, but that upon the change of times and things, it would be necessary to change and correct it. That in the former Agreements there were many things changed, added, and altered, as the necessity of the times required, and as they found the Chinks and starting Holes their Emperors had endeavoured to escape out at. That the Electors would willingly, at the request of the Diet, insert whatever was necessary for the preservation of the Liberty of *Germany* ; but then it was absurd, to think the Electors would not prefer their own proper Interest to that of all other men : Nor could they divest themselves of the common Inclinations of Mankind. Some others suspect there was another reason at this time, which brought the business of the Capitulars upon the Stage. The Emperor, who hated the thoughts of a Diet, was then necessitated to call one, by a *Turkish War*, which then threatned his Dominions ; and this Affair was then set on foot, to the end he might by this means obtain plentiful Contributions from the States of *Germany* ; but then they offered Souldiers instead of Money ; and this not answering the Designs of the Emperor's Ministers, they thereupon clapt up a Peace with the Turks much sooner than they otherwise intended, and then were doubtful what

* The Germans call the Law which they form up on the Debates of the Diet, in the end of it, the *Recess*.

draw up for the Diet : for the business of giving Succours against the *Turks*, which has often been the greatest part of their former *Recesses* or *Edicts*, was now wholly at an end ; yet, after all, some curious and inquisitive men must needs know to what purpose so many men were called together from all parts of *Germany*, and sate so many years ; what good came of all the *Sack* they drank in the Forenoon, and the *Rhenish* and *Burgundy* Wine they drank after Dinner. To answer this, they put them upon an inextricable business, that they might at their return be able, if need were, to swear they had not been wholly idle ; and that repeating all their vain useless Brangles about the Capitular, and referring it over to the next Diet, as a thing which could not now be determin'd, they might make this Story serve for a *Recess*, or parting *Edict*, such as it was.

*The usefulness of
the German
Capitular.*

3. Whatever was the true cause of that Debate, it cannot be denied, but that the introducing the Custom of Comprehending the Laws the Emperor was to govern them by, in express Articles in Writing, was a thing of great good use : for this tended altogether to the Reputation and Honour of the States, that seeing they would not be governed in the same manner as the Subjects of other Monarchs are, their Liberties which they enjoyed might not seem meer Contumacy or Usurpation, but the effects of a Contract made with their Prince when they chose him to be their Emperor.
They

They consulted hereby also the Safety of their Liberties, the Emperor being limited in such Bounds, as he ought not in any case to pass over, and being deprived of all reasonable cause of Complaint, that he was not as Absolute as the rest of his Neighbour-Monarchs. whose Subjects profess themselves, on all occasions, to be their most Dutiful and Obedient Subjects. The *Germans* on the other side, in the introduction of their *Capitular*, say, *Upon these terms the Emperor has undertaken the Government of the Empire, and has yielded, by way of Compact, the said terms to the Electors, in the behalf of themselves and the other States of Germany.* Now, if he had disliked these Conditions, he ought to have refused that Dignity, or to have shewn the Electors beforehand, that there was something of Injustice or Absurdity in them, and they, without doubt, would in that case have corrected them. But then, when the Emperor has accepted a Limited Power, it is utterly unreasonable he should endeavour to exercise a full and Regal Authority over them; or, at least, it will appear much the more reasonable for them to oppose him in it; for there are none of the more understanding *Germans*, who do not believe the Regal Power may be included in certain Limits. And I suppose, the more understanding Politicians will not deny, that there may be such a Competent Power assigned to the Head of a Confederate Body,

dy, as shall be very different in Degree from that of a full and perfect Kingdom or Empire.

The extravagant Opinions of some Writers concerning the Capitular.

4. But then, when one happens to read any of the *German* Writers which mention the *Capitular*, he cannot but observe their abominable Flattery, or wonderful Ignorance in State-Affairs, and civil Prudence. Some of them have the Impudence to assert, That the *Capitular* doth not set bounds to the Emperor's Power, but only take care that the Forces of the Empire shall not be lessened by Alienations, Mortgages, and the like; the greatest part of them do yet acknowledge, that the Imperial Power is limited by it, and so is not absolute, but yet it is still *Supreme*; or, as some of them love to speak, there is something thereby taken from the fulness of his Power, but nothing from the Supremacy that is the height of it: As we shall in the next Chapter examin this notion more accurately, it will be sufficient for the present to say, that they are deceived who think to take away the ground of this Controversie, by distinguishing between those Laws which oblige, as prescribed by a superiour Authority, and those whose Obligation ariseth from our own Wills, and are bound upon us by our Fidelity and the obligation of a Compact; for all they can pretend to get by this distinction, is to prove, that the Emperor is not subject to the States, and not that he has a Sovereign Authority over them: For to invest a Prince with such an Authority,

it is not enough to shew, that he has no Superiour, but he must also shew, that all the rest of his Subjects are bound, without dispute, to obey all his Commands, and have no Right to appeal from him, much less will it be sufficient to shew, that he is the Highest in that State. As for example: In our Common-wealth of *Venice*; as if the Duke were not the Highest; and yet no man dares ascribe the Sovereign Power to him: For, as in all Common-wealths, whether they be *Aristocracies* or *Democracies*, there may be Princes properly so called, who may be rightly stiled the Highest in their Commonwealths and yet still not be Kings. So also in all *Systems* of co ordinate States, which are Confederates each to other, there may be some one more eminent person, to whom the particular Care of the whole is committed, and so he may rightly be called the Highest, or the Head of that Body, though he has in truth no Sovereign Authority over the Confederates, nor can or ought to treat them as his Subjects. But I think it were better here for the present to consider distinctly what part of the Sovereign Powers are intrusted to the Emperor; for if a man doth not know them, he is utterly unqualified to judge of the *German* Government. And here it will besit us rather to follow the Order which agrees with the *Genius* of that Empire, than that which is prescribed by *Politicians*, as more regular and exact.

§. We

The Emperor
doth not ap-
point or punish
the Magistrates
in the Empire.

5. We will therefore begin with the Appointment of *Magistrates*, which in every Polity is a part of the *Sovereignty*; for if they are at last accountable for the mismanagement of their Ministers, it is fit they should have a Right to examin their Actions: and if they have failed in the performance of their Duty, they must have Power to remove, or some other way to punish them. Now there is no question to be made, but the Emperor has this Power in a Sovereign Degree, in his Hereditary Countries; but then, as to the rest of the Empire, it is disputed; for in the beginning the *Dukes* and *Counts* of *Germany* were Magistrates properly so called, as we have above shewn, and yet now they have Supreme Authority within their Limits, under those Titles. Nor will any of the Princes of *Germany* yield the Emperor the Government of the People within their Dominions, or that they are the Subjects of the Emperor, though they will with great Ceremony and much Submission own themselves to be his most dutiful Subjects, and testifie their great Loyalty to him. And although there may be an Hereditary Jurisdiction in a Kingdom which shall still be a meer Magistracy; yet then the Supreme Authority must have reserved a Sovereign Power over that person that is invested with it. We shall give some examples for the illustrating this. The Emperor may give to one the Title of a Prince or Count of the Sacred Roman Empire; but then he can give him no Right to vote in the

the *Diet*, without the Consent of the rest of the States, (*Conf. Artic. 44. Capitul. Leopoldine.*) And seeing he is vainly puffed up with the Title of a Prince of the Empire, who has no Dominions to sustain the Dignity and Splendor of his Title, that he may never be able to enrich these *Upstarts*, care is taken by the Thirtieth Article of the same Capitular, by which all vacant Fees are to be united to the Empire, *Art. 29.* For this there is a double reason, first, That all the vacant Fees should not be swallowed up by the House of *Austria*, nor given to men obnoxious to that Family; and, secondly, That in time *Germany* may be able to give something to its Emperor, besides an empty Title, by which the Charges of that high Station may be born, that so in their Elections they may not be tied to chuse only persons of very great Estates, but may be able, in time, to assign their Prince a Patrimony equal to the Title, and set him in a condition which is proportionable to the rest of the Princes of *Germany*, which if it had been to have been done at once, and out of their proper Dominions, would have been too much for them to have parted with. Perhaps the Emperor might be allowed to admit amongst them a foreign Prince, who is not subject to any of them. But then, if any of them could be contented to impair so much his condition, what Place could he hope for in the *Diet*? he would be ashamed to sit on the lowest Bench, and except he were a King,

King, the ancient Princes of *Germany* would never give place to him. It is probable, however, there would be less difficulty in receiving foreign Cities into the number of the free Cities of *Germany*, 1. Because they are not so ambitious of Precedence as Princes are, and *Buckhorn*, and such other Cities, would perhaps readily yield them their Places for the Encrease of the *German Empire*: But then it is not likely that any such Free Cities will join with us, till one or two of our Neighbour-States are dissolved; and the Emperor cannot raise any of the Cities that are subject to any of the Princes, to the Privileges and Dignity of a free Imperial City.

The Emperor cannot deprive any of the Princes of their Dignity.

6. Much less is it in the Power of the Emperor alone to take away or deprive any Prince of his Dignity, or expel any of the States out of his Dominions, though they are guilty of a great Crime against the Empire, but in the most notorious Fact he must obtain the Consent of the *Electors*, before he can interdict the meanest of them. *Capitul. Leopold. Artic. 28.* They thought fit to get this Bar, lest if any of the Princes had by chance offended the Emperor in his private personal Concerns, he should presently persecute him as an Enemy to the Empire. Whilst this *Capitular* was drawing up at *Frankford*, some of the States desired there might be a Clause added to this 28th. Article, *That the execution of all Judgments given against any Prince of the Empire, ought by Law to be committed to the rest of the*

the Members of the same Circle to which his Dominions belonged ; because if the Emperor himself undertook the execution of the Sentence, he might perhaps seize the Estate under pretence of the Charges the Execution put him to. On the other side, the Emperor never concerns himself how the Princes treat their own Subjects, and whether they *flea or fleece* their Flock is all one to him, because one of the principal things he promiseth in his Oath, is, *That he will save to every of the States their Rights and Priviledges, and disturb none of them in the exercise thereof.* And this is one of those Rights in which the Princes and States of Germany take the greatest Pride ; *That every one of them can govern their own proper Subjects, according to his own will, or to the Compacts he has made with them.* See the 3, 7, 8, & 9. Artic. Capitul. Leopald. Besides, there are few instances in which the Emperor can directly and immediately command the Subjects of another Prince ; as for instance : To give Testimony or answer an Action in a Suit depending ; and he is without any remedy from the Law in all those Citations, which he sends out in his own Name (if the Party will not appear.) Yet he may reward or privilege any of the Subjects of another State, so he doth not diminish the Authority or Rights of their proper Prince ; but then this Imperial Priviledge seldom goes further than the giving them Titles of Honour.

*The Emperor
has no Revenues from the
Empire.*

7. Let us now see what Power the Emperor has over the Estates of the Princes, as to the Contributions that are to be raised for the bearing the Charges of the Government in Times of Peace or War. As far as I can understand, all the publick Revenues (a very few excepted) belong to the respective Princes and Free Towns, only the Emperor promiseth, (*Articul. 21, 22, & 23. Capit. Leopold.* That he would prohibit overrating the Customs, lest the Princes should thereby ruin the Trade of *Germany*: And if any thing of this nature comes into the Emperor's Treasure, it is not worth the mentioning, and for the most part belongs to the Officers of the *Chancery*, who reap the greatest profit of all others, from the renewing the Fees (or Estates) in the Empire. See *Artic. 17. Capit. Leopold.* He can lay no new Impositions on any Merchandise, imported or exported within the Dominions of any of the States; and it was never heard in *Germany*, that the Emperor should lay any Tax upon any that lives out of his Hereditary Countries: Neither are the States obliged to any standing Charge towards the Necessities of the Government, except what is agreed for the upholding the Chamber of *Spire*, and even that very small Charge is very ill paid by many of them. In ancient times, when the Emperor went to *Rome* to demand the Imperial Crown, the States of *Germany* were bound to arm and maintain Four thousand Horse and Twenty Thou-

Thousand Foot, to attend upon him during his Journey. But as these Expeditions have a long time been omitted, so the proportions that were then fixed serve now only for the appportioning the Rates of the several Princes in all extraordinary Charges granted in the Diet: Yet there are many Complaints made against this old Proportion, because the Estates of some are, in length of time, sunk in their value, and others are as much raised above what they were. A *Turkish* War is ever a vast charge to *Germany*, and they never more willingly part with their Money than on that occasion; and yet even here the Emperor doth not proceed upon his own Authority; all is granted and transacted in the Diet by the Princes or their Deputies, and the more easily commonly, because the Princes are great Gainers by it, for they rarely pay to the Emperor's Treasury all they levy.

8. The Arbitriment of Peace and War is now also included in very narrow Bounds, whilst Money, the Sinew of War, is thus put out of the Emperor's Power. It is true, the *Austrian* Dominions will maintain a potent Army, but then, if they alone bear the charge of it, they will apparently be very much exhausted. ('It is to be considered, our Author wrote before the recovery of *Hungary*, *Sclavonia*, *Servia*, and *Bosnia*, out of the hands of the *Turks*, which are much larger than all the old Hereditary Provinces, and upon a Peace of Twenty years, will be able to raise and

Nor is he the Arbitrator of Peace and War.

An Addition.
which is to be considered
as a great advantage

'and maintain a much greater Army than
 'the Hereditary Provinces could when they
 'lay exposed to the Ravage and Incurfions
 'of the *Turks*, as now they will not; so
 'that the Emperor is now three times more
 'considerable than he was before the last
 'War, in the extent of his Dominions, the
 'security of his Subjects, and the acquiring
 'new Countries, to bear the Charges of de-
 'fending themselves and the old too.) Ex-
 cept therefore the States consent to the War,
 and promise their Assistance towards the
 Charges of it, the Emperor cannot promise
 himself any thing of help from them. As
 it is not their manner to be wanting to the
 Emperor whenever he is invaded by ano-
 ther, so it is certain, if he should begin a
 War upon any of his Neighbours, none of
 them would concur with him in it, except
 a few of them, whose Interest unites them
 to the House of *Austria*; for it is, of the
 two, rather their Interest to hinder him from
 warring upon others, and that not only be-
 cause all *Germany* may thereby be involved
 in Troubles, but also because the very Vi-
 ctories of the Emperor are no welcome
 News to the States, as raising his Power
 (which perhaps is already too great) to the
 endangering of their Liberty. (*Vide Art. 13,*
14, & 16, Capit. Leopold.) The Tenth of these
 Articles shews, how the Emperor's Power
 is bounded as to Leagues and Alliances.
 A man here will not be able to forbear
 wondring why the Emperor is not permitted
 to begin a War against any Neighbour upon
 any

Nor of Leagues
 and Alliances.

any pretence whatsoever, or to enter into any Alliance with a Foreigner, without at least the Consent of the Electors. And yet we are lately told, many of the Electoral Princes had had a meeting, and drawing over to them a parcel of Thievish Souldiers, have made an Inroad upon the Elector *Palatine's* Dominions, under pretence of forcing from him some Rights which they are not well pleased he should any longer enjoy: And when they entred upon this action, they thought it was sufficient for them to give the Emperor a very superficial and insolent account of what they intended to do. There was another Bishop of that Nation, not far from the *Hollanders*, (*Munster*) took up Arms, and invaded that State, which War may involve a great part of *Germany*. And all these bold Attempts of the Princes were entred upon whilst the *Diet* was sitting, and yet it took not the least notice of them; for it is now become a Custom for some of the Princes to League with the *Swedes* or *French*, both which Nations have for many years been the Enemies of the House of *Austria*.

9. Let us see next what Power the Emperor has in the Affairs of Religion. Because the new Politicians will needs have Temporal Princes, according to their new Divinity, intrusted in things of this nature; whereas the *Roman Catholicks* constantly believe and profess, That it would be very prejudicial to the Grandeur and Wealth of

Nor is he the
Governour of
the Religion of
Germany.

H the

*An account of
Martin Luther
and the Refor-
mation.*

the Church, to have any but the Clergy intermeddle with the disposing of the Church-Preferments, and therefore would (very wisely) have the Laity content themselves with the Glory of enriching and defending the Church. When therefore there were no other Rites received in *Germany*, but those of the Church of *Rome*, the few Disciples of *John Huss* in *Bohemia* excepted, and the *Jews*, who are every where tolerated. *Martin Luther*, beyond all mens expectations, sorely weakened the Papal Authority in that Nation, and taking the advantage of a small Brangle, of no great moment at first, drew off a considerable part of the Empire from their Obedience to the See of *Rome*. If I may be allowed to speak the truth, this inconsiderable Spark was blown up to this dreadful Fire, by the folly of them who at first opposed *Luther*, and the inconsiderate rashness and haste of *Leo X.* for some contemptible Monks contending one with another, one Party of which was very zealous for Religion, and the other Party no less concern'd for their Profit; and at first both of them had the Papal Power in great esteem, as Sacred. Now it was certainly here the part of a prudent Judge, to shew himself equal and indifferent to both the contending Parties, or presently to have silenced both of them, lest his Commodities (his Indulgences) should become cheap, and suspected by the People: At least, he ought not so manifestly to have espoused the Quarrel of his
Factors,

Factors, for fear this highest Priest might be suspected to be more fond of getting Money, than preserving the Souls of those under his care ; or lastly, to prevent being suspected to be better pleased with the price of Mens Sins (paid to him) than with the most Innocent and Holy Life. The more indevout sort of men were not to be tempted neither by this Affair, to suspect, that the Priests were very like Physicians and Chirurgeons, who reap too much Benefit from the Diseases and Wounds of Men, to be heartily sorry for them: So that if it was foolish and sacrilegious to give Sentence against the Indulgences, to the damage of the Church, it had been prudent to sweeten a man of too warm a temper with Presents, Preferments, and Promises, that he might not light the Laity into the way of shaking off the Church's Yoke ; and when so many have by Ambition and Gifts aspired to the highest Dignities in the Church of *Rome*, I think, for my share, it would have been worth the while to have wrapped this Monk in Purple, to prevent his doing her so great a mischief: For when *Martin Luther* saw he could have no Justice done him at the Pope's Tribunal, he began to court the Grace and good Opinion of the Laity, and soon after, he positively refused to submit to the Judgment of the *Pope*, because he had made the Quarrel his own, by entring into it : And that he might not want a Patron, he began to teach, That the Care of the Church be-

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longed

The Present State of

longed to Secular Princes, and those who had the like Authority; and they again reflecting, That the great Revenues their Ancestors had given to pious uses, were spent in Sloth and Luxury, quickly embraced the opportunity of turning these lazy

What is said of the design of enriching themselves by the Revenues of the Church, is to be understood as spoken in the Person and Name of a Roman Catholick; for all the Protestant Princes have ever denied they had any such design, and it is not at all probable at first they could have any such.

fat Cattel to Grass. This was greedily followed by many, partly because what *Luther* said seemed true, and partly because they found they could considerably improve their Revenues. There was then a Rumour also, that the *Italians* imposed upon the old *German* Honesty

and Simplicity, and that they spent the Money they had torn from them on the account of their Sins, in Gaming, Luxury, and filling the insatiable Avarice of the Pope's Officers and Creatures. They called to mind a Saying of Pope *Martin V.* which in truth was very worthy of a Spiritual Pastor, viz. *That he could wish himself a Stork, provided the Germans were turned into Frogs.* Hereupon they began to bemoan themselves to one another, and say, *We who of old so valiantly repell'd the victorious Arms of the Romans, are by an unwarlike sort of men, under pretence of Religion, reduced almost to a necessity of eating Hay with our Beasts.* I cannot tell how much the restoring Learning in this part of the World might contribute to this Revolution, which was thereupon received with great Applause. However,

ever, we we may well and safely affirm, That Men of Learning are not easily perswaded to believe what is (or seems) contrary to Reason.

10. The effect of this Controversie was, that a great part of the ancient Rites, and all those Doctrines which seem'd superfluous to these new Teachers, were laid aside by a considerable part of the *Germans*; and at the same time many of the Clergy were deprived of their Church-Lands. Thereupon many Suits were commenc'd in the Chamber of *Spire*, by the Clergy, against those that had deprived them of their Possessions; and that Court was also very willing to have restored all to the outed Clergy, but then the *Protestants* (as they are call'd) refused in this matter to acknowledge the Jurisdiction of that Court: 'For though (said they) the Laws in all Cases command, that they which have been dispossest'd, should be restored to what they once had; yet, in this Case that was now depending, it was fit and reasonable, that a lawful general Council, or some other publick Convention, (that is a National Council of *Germany*) should first consider and determin, whether the outed Clergy did profess and teach the true Religion; for if this was not first well proved, (as they believed it could not) it was in vain, and to no good purpose, for them to expect the enjoyment of those Revenues which had been given by their Ancestors, for the maintenance of

Many of the German Princes deserted the See of Rome.

'the true Worship of God. Now, because they were quickly sensible, that Reasons and Protestations alone would not secure them, the greatest part of these Protestant States and Princes joined in a League at *Smalcald*, to repell any Force or Violence which might be offered to any of them, because they had embraced the Reformed Religion: At length it came to a War, which proved very unfortunate to the *Protestants*, and the Elector of *Saxony*, and the *Landgrave* of *Hess*, the two principal persons of their Party, were both taken Prisoners, and their Religion seem'd to be in a desperate and hopeless condition; but then *Maurice* the next Duke of *Saxony* restored it to its former Power, by his Arms, and the *R. Catholics* were forced to come to a Treaty at *Passaw*, for the securing all Parties; the terms of which may easily be found in any of the *German* Historians of that time. After this, in the *Diet* of *Ausburg*, in the year 1555, the *Protestants* obtained the securing their Religion by a Law passed there in favour of it, by which Law they had sufficient Security given them, that they should live in Peace, and that neither of the Parties should hurt or invade the other on the account of their different Religions, nor compel any man by force to abjure that Religion which he professed. If any Church-Lands had been seized by any of the Secular Princes, which did not belong to any other immediate State or Prince of *Germany*, it should be left to the pre-

*The Decree of
Ausburg for
the Liberty of
Religion.*

present Possessor, against whom no Suit should be commenced in the Chamber of *Spire*, if the Clergy were not in possession of the same at the time of the Treaty of *Passaw*, or after it : That the Ecclesiastical Jurisdiction should not be exercised against those who professed the *Protestant Religion*; and that they should manage their Religious Affairs as they thought fit : That no Prince should allure the Subjects of another Prince to his Religion, nor undertake the Defence of them, on the pretence of Religion, against their own Prince. But then those Subjects of either side, that were not pleased with the Religion or Ceremonies of his own Prince, might sell their Estates, and go where they pleased. And lastly, if this Difference of Religion cannot be composed by fair and lawful means, this Peace shall nevertheless be perpetual.

11. In the mean time there was a sharp Contest, Whether the Catholick Clergy should have liberty to embrace the Protestant Religion, and also possess notwithstanding their Dignities and Church-Revenues; which was urged with the greatest vehemence by the Protestants, who said, That the contrary Practice was a reproach to their Religion, if they should consent, that those that entred into it should be deprived of their Honours and Estates : That the way that leads to the Purer Religion was by this shut against many : That they had no intention to turn the Church-Preferments to Secular uses, or to take

The Liberty of the Clergy more fiercely disputed.

away the Freedom of Elections from the Chapters. But then, because it was apparent, that this exposed the *Roman Catholick Religion*, in *Germany*, to the utmost danger, the Catholick States opposed it with equal obstinacy, and *Ferdinand* the Emperor favouring that Party, they got this Clause added to the Law; *If any Clergyman becomes a Protestant, he shall forfeit his Church Preferments, but without any loss or diminution of his Honour.* And although, at that time and after, especially in the Case of the Archbishop of *Cologne*, who became a Protestant, the Protestants complained very much of this Clause, and protested against it, yet they could not get it repealed.

*The Differences
in Religion
cause great dis-
quiet in Ger-
many.*

12. But this Peace was not able to take away all the Seeds of Discord, which sprung from this Diversity of Religion; for they that embraced the Protestant Religion, divided it into Parties and Factions, because the greatest part of them stood simply to the Words of the first *Augustane Confession*, whilst some others thought some Doctrines ought to be more nicely exprest. And although wise men thought this was not a Controversie that was worth the entring into a Civil War for, yet their minds on both sides were very much exasperated by the Intemperance of the Preachers, and the Frauds of the *Roman Catholicks*, who expected to make great use of these Dissentions amongst their Enemies, as a means to overcome them in the end. And whereas all those that profess'd neither the *Roman Catholick*

tholick nor the *Augustane Confession*, were excluded from the benefit of the aforesaid Peace, the *Roman Catholicks* hereupon craftily endeavoured to perswade those who simply stuck to the *Augustane Confession*, to disown all those that had refined upon it, as not at all belonging to their Party; though the strict Protestants often declared publickly, that they would not disown those that differed from them in some points that were of less moment, but that they also ought to enjoy the Benefit of the Peace; yet the over-great Zeal of the Priests divided them so far, that they began to separate each from the other, and not to consult so frequently together as they had done before: Nay, after this, when one of the Parties was oppressed by the Popish Party, the other would unconcernedly look on whilst they perished, or lend Assistance to their Enemies. Afterwards other occasions of Discontent arose, and last of all, a Fire was kindled in *Bohemia*, which in a short time involved all *Germany* in a War: Here Fortune at first smiled upon the Emperor, and prospered his Affairs beyond his hopes, so that in a short time his Armies subdued and brought under the greatest part of *Germany*; and in the year 1629. he presumed to publish an Edict, That all the Clergy should be put in possession of all the Church-Revenues, which had been taken from them by the Laity, since the Treaty of *Passaw*. The secret Design of this Edict was, to bespeak the Assistance of

of the Clergy and Catholick States, and to perswade them, that all his Designs tended to the resettling that Religion, and not to the oppressing the Liberties and Rights of the *German* States and Princes: But then, if they had either sate still, or helped him to subdue the Protestants; nay, if they had not hindered the reduction of them, it would have been very easie for the Emperor (thus flush'd with Victory, and arm'd with Power) to have model'd them at his pleasure. How this Project came to fail, is too well known to be represented here: And at last, in the Treaty of *Osnaburg* (or *Osnabruck*) in *Westphalia*, in the year 1648, by the V. Article, there was a large Provision made for the Security and Peace of Religion, the Treaty of *Passaw*, and the Recess of *Ausburg*, being both confirmed, and an expresse Declaration inserted, that it extended equally to the *Lutherans*, and to the *Calvinists*, as they call them now. It was added also, That all Changes that had been made since the First of *January*, 1624. in the State, under pretence of favouring the Church, should be put in the same state they were then; and that all those Revenues which were then possess'd by *Roman Catholics*, but were since taken from them by the *Protestants*, should be restored back again to them; and the like should be done by the *Roman Catholics*, to the *Protestants*, that all the immediate States which the *Protestants* possess'd at that time; should be their own for ever. The Right of changing Religion,

The Peace of
Religion resettled
in Germ.

ligion, which before seem'd to be left free to all the States, was for the future restrained, that the Subjects of the Catholick Princes, who were of the *Augustane Confession*, and in the year 1624. had the Free Exercise of their Religion, were still to retain it. And they that had been in the mean time disturbed, were to be restored; those who had not enjoyed their Liberty in the said year, should have Liberty of Conscience, but should only exercise their Religion in their own private Families, or the Neighbour places: But if their Lords should command them to be gone, they should have liberty to sell their Estates, or manage them by their Deputies: And the Emperor himself, in some things, indulged his own Protestant Subjects, for the sakes of the Princes. It was also agreed, that if any Prince should hereafter think fit to change his Religion, it should be no prejudice to him; and that he might have Priests in his Court of his own Opinion, but then, that he should not force his Subjects to his Religion, but should leave that he found in possession, but so, that it might be lawful for his Subjects, if they would take up the Religion professed by their Prince. It is also to be noted here, that this Liberty of Religion was settled by way of Compact or Agreement made between Equals, and the Emperor himself is one of the Parties; so that neither he nor any other of the Catholick States, though they should happen to be the more numerous

rous Party, ought to alter any thing of it: And it is also manifest, that the Condition of the Protestant Princes is better than that of the Roman Catholicks, because the latter are subject to the Pope; whereas the former govern their Affairs of Religion in their own Right, and as they think fit. Now, if any share of the Government of Religion belongs, by the Laws of Christian Religion, to the Civil Magistrate: It is plain, the Authority of the Churchmen will thereby be reduced into a very narrow compass. *Add. Artic. 1. & 19. Capit. Leopold.*

*The Legislative
Power not in
the Emperor.*

13. We proceed now to the Legislative Power. That it may appear to whom this belongs, we must consider by what Laws *Germany* is governed, and how they were introduced. Here the learned *Hermannus Conringius* has led the way in his learned Book, *De Origine Juris Germanici*, whom I shall very near wholly follow. This Author takes great pains to confute the commonly-received Opinion, That the *Roman* or *Civil Law* was in the year 1130, by the Command of *Lotharius* the *Saxon*, then Emperor of *Germany*, received both in the Schools and Courts of Justice: Whereas he shews, that to the XIII. Century, the Courts of *Germany* did not so much proceed upon any written Laws, as upon ancient received Customs, and upon Equity and good Conscience; and the Judges for popular actions were not chosen on the account of any eminent Learning, but rather ancient men,
well

well esteemed for *Prudence, Piety, and Justice*, the far greatest part of the People being then not able to write or read. In the XIII.

Century the Canon Law, by slow degrees, The Canon Law first introduced.

began to creep into *Germany*, and not only that begun to be studied, which concerns Church-Affairs, but the Processes of Civil Affairs were regulated or formed by it, though many stuck stily to their own ancient Customs. About the same time these

Old Customs were also put in Writing, amongst which the Laws of *Lubeck* are most esteemed, and those of *Magdeburg*, which The ancient German Customs after this set down in Writing.

in the *German* Tongue is call'd *Uleichbild*; the *Mirror* of the *Saxon* and *Schwaben* Law, and the *Feudale Saxonium & Suevicum*; and these were very near all the Laws used in *Germany*, in the XIII. and XIV. Centuries.

In the XV. Century, the *Civil* or *Roman Law*, and with it the *Ius Feudale Longobardicum*, began also by degrees to creep in, The Civil Law introduced in the XV. Century.

the Skilful in these Laws being often advanced to the Honour of being Counsellors to the Princes, who took all opportunities to recommend their own Profession to the good Opinions of Men: And it began thereupon to be taught in all the Universities of *Germany*, and that after the manner of *Italy*, which gave them the example. After this, when men that had studied it, were call'd to the Bar, it began by little and little to be received into the Court: And in the year 1495, *Maximilian I.* appointed the *Civil Law* to be admitted and used in the Chamber of *Spire*, but saving

all

The Present State of

all the *Ancient Customs*, and the *Local Statutes* of all places. So that the Law now used in Germany is a *Mixture of Civil Law, Canon Law, Ancient Customs, and the Statutes of the several Provinces and Cities*, which are very contrary one to the other. And in all Courts this is observed, That if there be any Provincial Statute or municipal Law extant, concerning the Case depending, that takes Place in the first place; but if there be none, then they have recourse to the *Roman or Civil Law*, as far as it is commonly received. The States of *Germany* in the mean time are allowed to make Laws concerning Civil Causes, in their respective Provinces, which may differ (if they think fit) from the Common and Usual Law; and that they shall enact Statutes for their own use, without ever consulting the Emperor: So they contain nothing in them prejudicial to the other States of *Germany*. And although many of them have desired the Emperor to confirm their Provincial Statutes. And they can also make particular Laws concerning Criminal Cases. Nor is the *Caroline Constitution* in all points every where observed. The States have also a Power to pardon Offenders: But if any thing is to be introduced that shall bind all, it cannot be settled but in a Diet, and by the Consent of all; and when it is so passed, it obligeth the Emperor as much as any of the other States. *Vide Artic. 2. Capit. Leopold.*

That at present
in use is a mix-
ture of Canon
and Civil
Laws, and the
old Customs.

Particular
Laws made by
the several
States.

The general
Laws in the
Diet.

14. The Jurisdiction of *Germany* has been very differently managed in different times, as is accurately set forth by *Conringius* in his Tract *De Germanici Imperii Judiciis*, from whom I shall transcribe the principal Heads, to save my own labour; and I will begin with the Times of *Charles* the Great. When any of the Royal Family had any Controversie, either one with another, or with any other, it was determined in the Council of the Nobility and People, as were also those Cases of the Nobility, that were of great concernment. The smaller Controversies the Nobility had, were determin'd by the King, or those he sent, (for so they were then called, who are now call'd Commissioners, Visitors, or Delegates.) For the ending the Contests of others, there were settled in the Hundreds and Districts certain Judges called *Graves*, who had to assist them, and sit with them, others called *Scabins*, chosen out of the Nobility, or the better sort of the People, and these heard and determined all Civil and Criminal Cases. The *Graves*, by reason of the greatness of their Hundreds, had certain *Deputies* in every Village, or, as they call them *Scultetto's*, (like our *Constables*) from whom yet there lay an Appeal to the *Grave*. The Priests also punished the Vicious Lives of Christian Men by Canonical Censures. The Bishops exercised a Jurisdiction over the Clergy and the Monks: And the Bishop was also accountable to his Metropolitan, or a Synod called

The forms of the
German Juris-
diction in several
Ages.

led by him, though afterward Appeals to the Pope began to be made, on the account of the Authority of that See ; yea, the Cases of many Laymen were promiscuously referred to the Bishops, upon an opinion of their Sanctity and Integrity : But then the Judgment of the Church-Revenues was not in the Clergy, but in the *Advocates* or *Vicedames*, which were particularly appointed by the Kings, and so the persons of the Clergy were subject to the Judgment of the Clergy, and their Revenues were subject to the *Advocates* Judgments, who were Laymen. From these fixed settled Judges they appealed to the King's Messengers, who at certain times travelled over the Provinces (like our itinerant Judges of Assize) and from them to the King's Palace, in which Appeals the King himself, or the Count *Palatine*, gave Judgment ; which last was also appointed to determine the Causes which arose in the Court. But then they hardly admitted an Appeal, but where the *Grave* or *Messengers* refused to administer Justice : And all Cases were determined by a short and very plain Process, and in a few Sessions or Hearings. So that in all this form there was nothing wanting, but an Appeal for the Clergy to the Pope, who though an holy person, was then considered as one out of the Bounds of *Germany* (and so not to be taken notice of.)

15. In all these things, in process and length of time, almost every thing was changed. After the *Golden Bull*, the Electors took cognizance of all the Royal Cases; and the Pope assumed to himself so great Power on that account, that he made no scruple to excommunicate the Emperors, and declare, that their Subjects were free from the Obligations of their Allegiance to them; and he boldly said, the Emperor was his Vassal, and the Empire a *Fee* which belonged to his See. As to the Princes Suits or Cases, this was ever observed from the very beginning of the *French* Monarchy, that they were never determin'd by the Judgment of the King alone, but were alwaies decided in a *Convention* of the Nobility, upon a simple and short Process, according to Equity and good Conscience. And even in the first Ages of the *German* Empire, if any of the Emperors assumed a Power singly to judge of the *Fees* belonging to any of the Princes, the more couragious of them alwaies protested against it: Yea, if all the Testimonies we have were lost, the very form of the whole Empire, or its Constitution, do sufficiently prove, that things of that consequence which these Suits are of, ought not (by it) to be left to the single Judgment of the Emperor: And therefore they are notoriously guilty of palpable Flattery, who pretend, that this Judgment of the Cases of the Princes of the Empire, which the *Germans* call *Das Furstenrecht*, is a meer

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*The old forms
changed in af-
tertimes.*

Pretence. But then, it was long after these times that these inferiour Princes took upon them to judge arbitrarily of the Cases of their own Vassals, which was done only by some Families, and imitated by the Free Imperial Cities, as to their Subjects. The *Germans* call these Counts in their Language *Austrega's*, and it is probable they began about the times of *Frederick* and the great *Interregnum*. Those that trusted more to their Power or Force than to the Justice of their Cause, would commit the Trial of it to the Sword. It is also a late Practice, which has been taken up by some of our later Emperors and Princes, to referr the Cases depending to their Ministers and profess'd Lawyers, rather than to give themselves the trouble of hearing them. But then this became necessary, when instead of a few plain Country Customs, we had introduced the Intricate, Papal, and Civil Laws, which it would have been the utmost punishment to have put the Princes to the trouble of learning.

*The Innovations
brought in by
the Churchmen.*

16. As to the *Churchmen*, they innovated in these particulars: By degrees they drew all the Personal Cases of the Bishops to the Pope's Tribunal, utterly destroying thereby all the Authority of *Metropolitans* and *Synods*; and they took from the Laity all Right of judging in any Case a Clergyman. This is by the *Protestants* returned to the ancient method; but by the *Roman Catholics* still retained, though *Charles V*, and some other Princes since, have to the great vexation

vexation of the Pope, ordered some things pertaining to Religion and punished some Clergy-men for great Offences too. In the times also of *Frederick II*, and those that followed, the Bishops and Clergy assumed to themselves the free Administration or Management of their own Church-estates, and shook off their *Advocates of Vicedams*; yet still the Ecclesiastical States are subject to the Empire, by reason of their *Fees* and other *Regalia's*, of which they may be deprived, if they act any thing insolently against the Publick Peace and the Laws of the Empire. The Monks, as to their Persons, were, in the times of *Charles the Great*, subject to the Jurisdiction of the Bishops, from whom some ancient Monasteries were exempted, and were put immediately under the Pope. The new Orders which have arisen since the XIII. Century, are only subject to their Provincials and Generals, and only acknowledge the Pope's Jurisdiction as their Supreme Ordinary. The Administration of the Lands of the Abbies were at first committed to *Advocates*, from which dependance, in length of time, some Houses were exempted, but the greatest part have still remained in the same state they were at first; and some few of them are free from all publick Taxes and Charges.

17. The Secular Cases of the meaner People were heard in the times of *Charles the Great*, either in the Secular Courts, or by the Bishop in his Consistory; which later

*Secular Cases,
how managed.*

way has since been much extended beyond what it was at first. These were first (as to the Secular Courts) to make their Complaints to the *Scabins*, which in ancient times were appointed in all the (*Pagi*) Hundreds and Villages; from him they might appeal to the *Graves* or *Comites*, (*Earls* or *Sheriffs*) whose Jurisdiction was after usurped by many *Dukes* and *Bishops*. From the *Counts* or *Graves* they had an Appeal to the *Itinerary Messengers*, (or Judges) sent into the Provinces by the King, and from them to the King himself, who in his Court made a final Determination of all Cases: But in the XV. Century, when Appeals became very frequent, by reason of the bringing in the tedious Forms, and the Iniquity of the Rabble; for the more commodious determining these, it was resolved, to erect a certain fixed Tribunal or Court, which was at last settled at *Spire*; the reason of this was not because the Imperial Court was too ambulatory or unsettled, but because the vast quantity of these Cases might most conveniently be determined in a place set apart for that end. (‘The *French*, in the year 1688, having seized *Spire*, the *Diet*, in the year 1689, agreed this Court should be settled, for the future, at *Westlar* (~~Wetzlar~~) a City of *Hassia*, seven German Miles from *Frankford*, to the North, and about fifteen from *Cologne* to the S. E. which being approved by the Emperor, Commissioners are appointed to adjust all things for the opening this Court there; and

The Chamber of
Spire erected
for Appeals.

Since removed
to *Wetzlar*.

‘and it is very probable it will never be
 ‘returned back to *Spire*, that City being too
 ‘much exposed to the Insults of the *French*,
 ‘who, when they please, can seize the Re-
 ‘cords of this Court, to the inestimable
 ‘damage of the Empire. And besides, the
 ‘*French* had before burnt and destroyed
 ‘the whole Town of *Spire*, not leaving any
 ‘thing standing in it that Fire and Gunpow-
 ‘der could fetch down.)

18. The modern way of Trials now re-
 ceived in *Germany*, is thus : When any pri-
 vate person commenceth a Suit against ano-
 ther of the same quality, he in the first in-
 stance goes to the *Prator* (*Scabin*) of the
 City or Village in which he lives, except
 the Defendant be some way privileged
 above the *Scabin*. There is in all the Prin-
 cipalities which I have been acquainted
 with, some superiour Court, which is com-
 mon to the whole Province, which they
 call the Palace or Provincial Court, and to
 this Superiour Court there lies an Appeal
 from the *Scabin* : But then the most part of
 the Free Cities have only one Court,
 from which there is no Appeal. The
 Chamber of *Spire*, and the Emperor’s *Pa-
 lace-Court*, are common to the whole Em-
 pire; but then some of the Princes have a
 Priviledge which restrains their Subjects
 from appealing to either of these Courts,
 of this number are the Electors : Yet there
 are some, who question whether this Pri-
 viledge belongs to the Ecclesiastical Ele-
 ctors, only because they do not exercise it.

The present
 form of Process.

In Civil Cases
 there is no Ap-
 peal from the
 Electors, Empe-
 ror and King of
 Sweden.

The House of *Austria*, and the King of *Sweden*, enjoy the same Exemption for all his *German Territories*. (*Westphalia Art. cap. 10. sect. 12.*) This last Prince has erected a Court at *Wismar*, for the determining all those Appeals which before belonged to the Chambers of *Spire* and *Vienna*; (*Add. Capitul. Leopold. Artic. 28, & 27.*) but then all the Princes of the Empire are equal in this, that there lies no Appeal, except the thing in dispute exceed such a value, which yet in some places is more, and in others less. In Criminal Cases, not only the Princes of the Empire, but many of the Burroughs or Corporate Towns, and many of the Nobility, exercise a Sovereign Jurisdiction without any Appeal.

In Criminal
Cases there lies
no Appeal.

How the Con-
troversies of the
States or Prin-
ces are deter-
mined.

19. But then, if there be any Controversie between the States or Princes, the greatest part of them, in the first instance, have their resort to the *Austraga's* or *Arbitrators*: Of these some are appointed in a peculiar Convention of the States, and others depend upon the common disposition of the Laws. The first Institution of this Judicature is very obscure; but their Opinion seems most probable, who date its Rise about the times of *Frederick II.* and ascribe it to that long *Interregnum*. [This *Interregnum* began in the year 1198, when *Philip* Brother of *Henry VI.* was chosen by one Faction, and *Otho* Duke of *Saxony* Son of *Henry* the Lyon, and *Maud* of *England* by another; from henceforth there was nothing but War and Misery; till in the year 1212.

Frede-

Frederick II. Son of *Henry VI.* was, after many other, chosen, who yet could not obtain the peaceable Possession till the year 1219. so that it lasted about 21 years. But to return] It is certain, *Maximilian* the First was not the Author of this Court, though he gave it a new form, which is extant in the *Ordination of the Chamber* in 1495. made at *Worms*. Of the various forms of *Austraga's* there mention'd, there are only two now in use; as, 1. The Defendant names Three Princes of the Empire, out of which the Plaintiff chuseth one: Or, 2. They obtain by consent of the Emperor one or more Commissioners: But then there are some Cases which ought not to be brought before the *Austraga*, but immediately before the Chambers of *Spire* or *Vienna*; which may be found in many very common Books. Now, there are these Inconveniencies alwaies attending the Judgments given by the *Austraga's*; 1. That there lies an Appeal to the Chambers, so that very few Controversies are determined by them. 2. That great Sums of Money are spent in treating and sweetening the Emperor's Commissioners. 3. There is a Sequestration of a years continuance of the Profits of the thing in dispute, which time is allowed to the *Austraga's*, to give in their Award; because it is thought an indecent thing to determine a Suit of moment in less time in *Germany*.

The highest
Courts in Ger-
many are the
Chambers of
Spire and
Vienna.

20. The highest Court in *Germany* is the Chamber which was lately fixed at *Spire*, which was instituted by the *Diet* of *Germany*, under *Maximilian I.* in 1495. (And after many Removes, fixed at *Spire*, in the year 1530, by the *Diet* of *Ausburg*, under *Charles V.* where it remained till this year 1689.) Now, though this Court useth the Name of the Emperor only in all its Processes, yet it doth not depend on the Emperor only, but acts in the behalf, and by the Authority of the States of *Germany*: The Emperor names the *President*, who must be a *Prince* of the Empire, or, at least, a *Count* or *Baron*. By the Treaty of *Osnabruck* it was agreed, that under this prime *President* there should be four other inferiour *Presidents* to be nominated by the Emperor, and at least fifty *Assessors* (Judges or Companions with them) Twenty six of which should be of the Roman Catholick Religion, and Twenty four of the Protestant, to take from the later all just cause of complaint, that their Cases were not favourably heard and determined: Yet at this day there is rarely half this number, the Princes that should nominate and pay them, being very slow in both respects, they being much offended with the Imperialious Commands of this Court, though they rarely go further than words. He that is desirous to know the exact form of their Proceedings, must read the Order of the Chamber, inserted into the *Recess* of the *Diet*, in 1495. It is a common Pro-

Proverb, That the Suits at *Spire* are drawing on, but never die, (*Spirant non expirant.*) This is owing to the litigious forms and delays or perplexities in the Processes, and the number of the Cases depending before too small a number of Judges to dispatch them. But yet, after all, the great Reason is, the Difficulty of executing the Sentence; for the Princes that have great Estates do very little regard what the Judges at *Spire* say: And they again have so much wit, that they will not hazard the small remainder of their Authority, by giving Judgment (how justly soever) against a Prince of that Power, that he will despise both them and their Sentence. But then, in this Court (as in others) if they catch a small Fly, they will be sure to hamper him. In the year 1654, in a Diet, there were many Rules or Provisions made for the supplying the Defects of this Chamber: There lies no Appeal from it, but if any man is aggrieved, he may desire a Revision, which yet, to my knowledge, was never sought, or never granted.

21. There is also in the Emperor's Palace another Court, which pretends to the same Authority with that of *Spire* (which is above call'd for distinction the Chamber of *Vienna*.) They both say, that a Suit begun at *Spire* cannot be withdrawn and removed to *Vienna*, and so on the contrary. Ferdinand the Emperor, in the year 1549, first opened this, and published the Rules or Laws by which it was to proceed: Maximilian

The Chamber of Vienna when first instituted.

milian II. encreased them ; but *Mathias*, in the year 1614, renewed it ; and *Ferdinand III.* changed some of the Rules in the *Diet* in the year 1654. (See the *Treaty of Peace*, *Art. 5. Sect. 20. Artic. 41, 42, 43. Capitul. Leopold.*) This Court depends solely on the Emperor, though the Judges of it are bound to the Archbishop of *Mentz*, as *Lord High Chancellor of Germany*, by an Oath. It is not hard to guess what was the true reason why the Emperors instituted this Court ; to which purpose it will be fit to consider, that these Princes observing, that all Appeals being tried and determined at *Spire*, and that place frequented on the account of Justice, the Court at *Vienna* was in the mean time neglected, to the great dishonour and dissatisfaction of the Family of *Austria* : For the flying to them for Relief, is the greatest of the Glories of a Prince ; and their Majesty is then most resplendant, when it gives men their Due, and repells their Injuries : Besides, he that has the Management of the Oracles of Justice, can best secure his own Interest, and take care that nothing shall be done contrary to it. Now, the Chamber of *Spire* depended on the whole Body of the Empire, and was also seated at a great distance from *Vienna*, and that beyond the *Rhine*, and therefore seemed to take but little notice of the *Danube* (that is *Vienna*.) The form of the Law Proceedings being also changed, it was now become very difficult to adjust and end the Controversies of the Dependent

dent States in the *Diet*, as had been formerly practis'd. Now, if the Emperor could by degrees insensibly draw them to himself only, in conjunction with the Claims of private men, he should thereby gain a great Step toward the acquiring a Sovereign Authority over the States. Nor were there wanting plausible Reasons for the opening this Court; for, Why should he be obliged to administer equal Justice to all, if all might pass by him, and direct their Addresses to *Spire*? This Chamber of *Vienna* pretended also not to be tied to the slow methods of Process used at *Spire*; and men were pleased with the expectation of a quick dispatch of their Cases; for the Court of *Spire* is so hampered, that tho' the Case is never so plain, and the Judges are never so willing to do speedy Justice, yet they must omit none of their appointed Forms. Some others, that pretend to a deeper inspection, say there is a private Council at *Vienna*, in which the greatest Affairs of the Empire are considered: Now when any great Case has been ventilated and debated in this Court, if the Judges find it has any State-Interest in it, they give the Emperor an account of it; with their Thoughts of it, and thereupon it is again debated in that private Council, in which the State-Interest of the Case is more considered than the Justice of it. As for the Instance; Whether it is for the Emperor's Interest, that this or that Judgment should be given; and how and which way the execution

cution shall be made: So that if any Scruple of that nature ariseth, the Judges have private Orders to suspend or delay the Judgment. I presume, the Judges of this Court would also take it very ill to be suspected of Bribery; and yet there are many that think it is their Interest to clear themselves (if they can) of this Suspicion, which might be done by shewing to the contending Parties, to which of them the Case depending is committed.

*The Form of
executing the
Judgments of
these Courts.*

22. As to the form of Execution in both these High Courts, it is thus: First, They enjoin the Party that is vanquished to submit to the Sentence they have given against him, upon pain of forfeiting a certain quantity of Marks of pure Gold, to be paid in part to the Exchequer of the Empire, and in part to the Person suing; if he doth not obey the Sentence upon notice of this, within the time limited, then the Sum is encreased; but if he still persist, and despise their Threats, he is put under the *Bann*, or proscribed, and the Sentence is ordered to be put in execution by Force and Arms, till the Party submit. If the Party cast is a Subject of any of the States, the execution of the Sentence is committed to that State or Prince whose Subject he is. If the Party condemned is a Prince, or Member of the *Diet*, then the General of the Circle, or some or other of the Members also of that Circle to which he belongs, are commanded to execute it: But if the Party is so powerful, that the Circle is not
able

able to force him to submit, two or three of the next Circles are commanded to join with them: But this rarely happens, that there are any such Executions to be made; and when there is, it is more for the Interest of *Germany*, and for the securing the Liberties of the several States to compose their Controversies of this great moment by Arbitrators, than by Suits and Military Executions thereupon.

23. If any thing ariseth which may affect the whole Body of the Empire, the Emperor cannot determine of it as he pleaseth himself, but ought to propose it in the *Diet*, and it is by the States to be there ordered as they shall by common Consent agree. (*Vid. Capitul. Leopold. Artic. 39. sub fin.*) Now, because all these Affairs have been very exactly collected by *German* Writers, it will be sufficient for us to set down here some of the principal Heads of them. 1. The Emperor has the sole Power of assembling the *Diet*, but so, that he is bound, by his Letters or Envoys, to require the Consent of the *Electors*, and also to adjust with them the Time and Place. (*Capitul. Leopold. Art. 17.*) The *Electors* also may admonish the Emperor, when they think it is for the Interest of *Germany* there should be a *Diet*. But then, because the holding a *Diet* is a thing of very great Charge to the *States*, it is expressly said, That the Emperor shall not burthen them with the holding unnecessary *Diets*. (*Capitul. Leopold. D. E.*) During the vacancy, the

The greater Cases ought to be determin'd in the Diet.

the *Vicars* of the Empire (the Duke of *Saxony*, and the Count *Palatine* of the *Rhine*) shall assemble the *Diet*, and in his absence, the King of the *Romans*, if there be one. The calling of it shall not be by any General Proclamation, but by written or printed Letters, to be delivered personally to each of the States (or Members) which shall be penn'd in a kind inviting Stile, and not in an imperious commanding Form like a Citation. The Indiction shall be six months before the Meeting, that the States may have sufficient time to consider what is there to be treated of.

*In ancient times
the Diet was
held every year.*

24. In ancient times there was a *Diet* held every year, and it continued but one Month, as is supposed by the *German Antiquaries*; at this day it is not agreed how often or how long it shall sit, but that is governed by the present Necessities of the publick Affairs, or at least it ought to be so: Yet they have adjudged it expedient for the preserving the Liberties of the States, that there should be frequent *Diets*, as for instance, once in three years at the farthest; that when they are, necessary care should be taken to expedite the Affairs depending, which now move too slowly, and occasion vast expence both of Time and Money, which might be saved. There are some that are jealous, that these affected Delays and Charges are a State-Mystery, by which the Emperor hopes, in time, to tire out the States, and make them abhor *Diets*, which were otherwise the most effectual means to
secure

secure the *German Liberty*. The *Golden Bull* has ordained, That the first *Diet* (of every Emperor's Reign) should be at *Norimberg*, which yet is not scrupulously observed now ; for in these *Capitulars* there is only care taken that it shall be held in a convenient place, within the Empire, as shall be agreed with the *Electors* : Of a long time some one of the Free Imperial Cities has been appointed for that purpose, the reason of which is not so much in the dark ; and, I suppose, the Princes would scarce meet, if the Emperor should appoint *Vienna*.

25. All the Members of the States are, without exception, to be called to the Diet ; and amongst the Ecclesiasticks, those that are not yet confirmed by the Pope, and before they have obtained their Palls, and in the vacancy of any See, the Chapter is to be called. And whereas the Protestant Possessors of Bishopricks, before the Treaty of *Westphalia*, were not admitted to the Diet, they in it obtained the Assignment of a peculiar Place. As to those Secular Princes that are minors, their Guardians appear for them ; and they that are of full age, are to be admitted before they have asked or obtained their Investiture. This is true, though in the Diet of *Ratisbonne*, in the year 1608. *John Frederick Duke of War-temburg* was excepted against on that account ; If in any Family the Right of *Primogeniture* prevails, and is received, only the Eldest is called. Those that have divided their Inheritance, are called by Families in general,

All the Members are to be summoned to the Diet.

general, but they have all but one voice: But those that have obtained the Investiture of their Share or Portion from the Emperor, are personally called. They that are called to the *Diet*, must appear in person; or if this is inconvenient, by their Legates (or *Proxies*) sufficiently instructed: Those that neglect to appear, are nevertheless concluded by the majority of those that do appear. By a peculiar Privilege the King of *Bohemia* is not bound to appear in the Diet, if it is not held at *Norimberg* or *Bamberg*. The House of *Austria*, and the Duke of *Burgundy*, are at Liberty to appear or not, as they please. It is not worth our while to sum up the vain useless Rites and Ceremonies.

The things to be debated are proposed by the Emperor or his Commissioner.

26. The things that are to be debated and settled in the Diet, are proposed by the Emperor, or his Commissioner, then they proceed to the Debate; where the first Question is, Whether they shall proceed in the order the things are proposed, to consider and determin them; or, whether they shall postpone some of them undecided, and pass forward to the rest of the things proposed? Here the States pretend they are not religiously bound to observe the Method of the Proposals; but the Imperial Party (who can easily foresee what the States drive at) have ever stiffly pretended, the Method of the Proposals is to be followed; that the Emperor's Concerns have ever been wont to lead the Van, and those of the States to follow in the

the next place. If therefore the States will do their own Business, they must of necessity gratifie the Emperor; but then it has been observed, that when he has gained his own point, he is seldom much concerned for those things that the States would have. When they come to debate, they are divided into three Colledges (Houses or Chambers) the Electors, the Princes, and the Free Cities, which Division is thought to have been first made in the year 1589, in the Diet at *Frankford*: In the first of these the Bishop of *Mentz* is the Director (*Speaker*); in the second, the House of *Austria* and the Bishop of *Saltzburg* by turns; and in the third, that City in which the Diet is held: The Princes vote man by man, the Counts and Bishops by *Benches*: The greater part obligeth the lesser, except in the Affairs of Religion, in which the States are not considered as one Body, but as Parties, in opposition each to other. Whether the same thing ought to be admitted in the matter of Taxes, or granting Money, is a Question not yet decided. (See the Treaty of *Westphalia*, Art. 5. n. 19.) I should think this might easily be expedited by a Distinction, *viz.* Whether the Grant tends to the Safety and Security of the whole Body of *Germany*, or is only granted and designed for the Benefit of the Emperor? No good *German* would decline contributing to the first; and as to the latter, it is fit every one should be left to his own

K

liberty,

liberty, to determin as he shall think fit. Their way of Proceeding is this : What is approved by the College of *Electors*, is communicated to the College of *Princes*; this latter returns to the former their Sentiments of it (which is called a *Reference* or *Conference*) and so it is transacted *pro* and *con* between these two till they agree; then they two join, and communicate their agreed Resolves to the third College or Cities, and if they consent too, then the unanimous Resolves of the whole Bodies of the State, are communicated to the Emperor, or his Commissioner, and when he has approved of it, that Affair is settled: If the three Colleges cannot agree, their differing Votes are proposed to the Emperor, who in a friendly way, as an Arbitrator, and not in a commanding way, as a Master or Prince, endeavoureth to reconcile them. In like manner, if his Judgment is not the same with that of the States, it is friendly and fairly argued between them, till he is of their mind, or they of his. After this, at the breaking up (*Recess*) of the States, there is a Solemn Form, containing the things agreed between the Emperor and the States, in the manner of a Contract. As to the College of Cities, it is to be observed, that though in the Treaty of Peace (*Art. 8. sect. 4.*) the deciding Vote is assigned to it, whereas before others contended, that they were only to be admitted to the Debates (to offer their Reasons) yet even now they com-

communicate nothing to this Member of the States, but what is agreed by the two other Colleges; but then neither can those two Colleges exact Obedience, or force this third to comply with them against their wills, as a major part; but where the third College disagreeeth from the other two, the thing in dispute is refer'd to the Emperor, till a way is found to adjust it, and what cannot at last be agreed, is wont to be referred to another Diet. What is agreed by the whole Diet, is by the Bishop of *Mentz*, who is Director of the first College, and in a sort, of the whole Diet, drawn and reduced into the form of a *Recess*, Edict, Decree, or Law, and then it is again considered by the States; and after they have all subscribed and sealed it, then it is published.

27. By all this which I have said, it will easily appear how much of the Sovereign Power is left to the Emperor; yet there are some Prerogatives which belong only to the Emperor in *Germany*; 1. The Right of the *First Prayers*, by force of which, the Elected Emperor has a Right to present one person to a Benefice in every of the Ecclesiastical Chapters or Colleges. The Emperor has less reason to be ashamed of this Restriction, than the Clergy, who owing almost all their Wealth to the Liberality and Bounty of the first Emperors, have been so ungrateful as to restrain the Successors of their Benefactors to the Collation of a single Benefice, and

The Emperor has yet some Prerogatives above any other Prince.

that too to be conferr'd by way of Entreaty, that shall not be denied. 2. He gives all sorts and degrees of Honours or Titles: Yet, (See *Art. 43, & 44. Capitul. Leopold.*) 3. He only gives and collates the Investitures of the Princes Fees, and all others that pass by the Delivery of a *Banner*. 4. He constituteth Universities. 5. And he only can give leave to build a City. And there are some other too of less moment.

*The Priviledges
of the Princes
and free States.*

28. And from hence it is easie to collect how little is wanting to make every of the States Independant Sovereigns; for they, or at least the greatest part of them, have the intire Power of Life and Death over their respective Subjects. They can enact Laws that are contrary to the common Laws of *Germany*, in their own States. They have an intire Liberty as to Religion. They levy Taxes. They make Leagues one with another, and with Foreigners, so they be not against the Emperor and the Empire, (See the *Treaty of Peace, Art. 8. sect. 2. Capitul. Leopold. chap. 6, & 8.*) which Right is denied the Imperial and Free Cities expressly. (*Art. 9. Capitul. Leopold.*) They defend themselves with Force and Arms, and revenge their own wrongs, especially if they have to do with Strangers. They build Forts and strong Holds in their Dominions. They mint Moneys, and do all other things necessary to the Government of their People. (*Add. Artic. 33, 34. Capitul. Leopold. Treaty of Peace, Art.*

Art. 8. n. 2.) The 5. Art. Capitul. Leopold. belongs only to the Electors; and all these things they do in their *own* Names and Rights, and not as the Ministers of the Emperor. Nor doth it affect their Power so much as express the way of having or coming by it, that they acknowledge their Dominions to be Fees holden of the Emperor and Empire; for seeing they transmit them as an Inheritance to their Children, the *Investiture* is rather to be considered as a solemn Rite, than as a real and true Collation or Gift, seeing it cannot be denied to any that desireth it within the time prescribed by the Law. Their Oath of Allegiance, which they make to the Emperor, is understood with a saving of their Rights and Priviledges; and even those that are acknowledged to be Equals each to other, are yet frequently mutually bound one to the other by Oaths. Nor doth their appearing in the Diet, at their own Charges, prove that they are Subjects; for that is common to all the Assemblies of Allies or Confederates. Nor doth their contributing to the Necessities of the Empire prove their Subjection for the same reason. And lastly, That which seems the hardest of all, *viz.* That any of these States may be sued in the Supreme Tribunals, or Courts, or Chambers of the Empire; and if they be convicted of any great Offence against the Empire, that they may be proscribed, and deprived of their Dominions; for even this is common to all Confederacies; and there

is an Example of it in Ancient History, in the League of the *Amphyctyones* and *Achaans*, amongst the *Greeks*: And in our own times, the Confederate or United Provinces thus forced *Groningen*, and bridled it for some time with a Citadel. But then the States of *Germany* are very well secured the enjoyment of these vast Liberties. (*Capit. Leopold. Art. 28.*) But then, if any one of a Confederate or United Society should insolently and injuriously insult upon another Confederate, without pretending to claim any Superiority, the rest of the *Confederates* would have reason and right to curb the Exorbitant Member, and force him to do them Justice.

C H A P. VI.

Of the Form of the German Empire.

1. **A**S the Health of Natural Bodies, and the Strength and Ability of Artificial Composures results from the Harmony of their Parts and their Connexion or Union with one another; so also *Moral Bodies* or *Societies* are to be esteemed strong or weak, as the Parts of which they are composed, are found well or ill formed and united together, and consequently as the intire form or whole of them are elegantly or irregularly and disorderly formed and united. It will appear sufficiently in what has been already said, that the Government, State, or Empire of *Germany* hath something of Irregularity in it, which will not suffer us to bring it under any of the simple or regular forms of Government, as they are usually described by the Masters of Politicks: We must therefore the more accurately enquire what its true form is, because the far greatest part of the *German* Writers have made gross and foolish Mistakes, through their Ignorance in Politicks, and senceless transcribing one another without any Prudence or Consideration, by which they have multiplied their Books.

*Of the Form of
the German
Empire.*

I must therefore here bespeak the Pardon of my Reader, if by the subject of my enquiry I am forced to use more School-Subtilties or Distinctions than will please those that love not that sort of Learning, because without them it is not possible to make a true Representation of, or pass a solid Judgment on the present State of *Germany*. The Truth is, a few words would satisfy all wise men, if the Follies of some men that have had the good fortune to be approved, had not made it at once necessary and troublesome to confute and expose them.

All the Hereditary States are Monarchies.

The Free Cities are Commonwealths.

2. As to the several parts of this Empire, separately taken or considered, there is no difficulty; for all the Secular Principalities which go by Inheritance, the Ecclesiastick, which pass by Election, and the Earldoms, they are all administered and governed like Monarchies, but with this difference however, that in some places the Princes are absolute, and in others they are limited by certain Pacts, or Agreement with their Provincial States. Amongst the free Imperial Cities, some are under an Aristocratical Regiment, the principal management of Affairs being in their Senates, into which their Principal Citizens are elected by the Suffrage or Voices of the Senate; and here the Senate is no way subject to the People, nor bound to give any account to them of their Administration of the Publick Affairs. In other places the *Populace* is uppermost, and the *Form* democratical,

cal, and here the Senate is filled by the choice of the Tribes or Companies, and they have also a Power to call the Senate to account.

3. But then the *German* Writers are by no means agreed what Form belongs to the whole Body of the *German Empire*, which is an infallible sign of an irregular Form, and no less also of the Ignorance of these Authors, who with small Abilities and little Learning, have pretended too hastily to write of what they did not understand; yet I do not remember I ever saw one Author that did say, it was a *Democrasie*; yet some have had so little wit as to say, none were parts of this State, but those that had a Right to vote in the Diet; in this, without doubt, blindly following *Aristotle*, who defines a Citizen to be one that has a Right to deliberate and vote in the *Commonwealth Affairs*. Now, if we could grant this, then it would be a *Democrasie*, because all its Parts are composed of the States only, who have every one of them a Right to debate and vote in the Diet, and the Emperor is the Prince or Head of the State, but he that should extend that Definition further than the popular Cities of *Greece*, for whom only it was made, would certainly be guilty of very great Absurdities: For, who can think that Freemen (and Gentlemen too) who have great Estates and Families of their own, and live in Kingdoms or Commonwealths, are not to be accounted * Members of their

The Form of the whole Body is neither of these, but an irregular System.

* *Cives*

their Government, though they are admitted to no share of the Government ? or, Who in a Kingdom can think the King the only Member, or in an *Aristocracy* would esteem none such but the Senators ?

*Many pretend
the Empire is
an Aristocra-
sie.*

4. The greatest part of those who pretend to exquisite Knowledge in Politicks, and a great love of the *German* Liberty, pretend it is meer *Aristocrasie* ; these maintain their said Opinion by these following Arguments. 1. There is no reason (say they) that any man should be removed from this Opinion by the outside appearance of things which seem to represent to us a Monarchy, *viz.* The proud Flourishes of great Titles, and the usual Forms of Address ; much of which is owing to the *Genius* of the *German* Tongue, which abounds in such vain, insignificant, luxuriant Expressions, and the rest proceed from the ancient form of Government, (which was indeed Monarchical) though the present is nothing less ; for they in truth are in possession of the Supreme Authority, who dispatch the greatest Affairs of the State as they themselves think fit, by what Title soever they are call'd. 2. That it is not at all contrary to the nature of an *Aristocrasie*, to have an Head a little higher than the rest, who may be the Director of their Councils, and the President of their Senate, and on that Score be of greater Authority than the rest. 3. That the form of any State ought to be distinguished from the manner of its Administration ; which distinction

distinction is to be thus explicated: That it sometimes happeneth, that one State imitates the manner of Administration proper to, or very like, that of another Form of Government, or which at least may have some signs of it. Thus, if a King that is a real Monarch, thinks fit to consult his People, or a Senate of them, the first of these will seem to have something of a Democrasie, and the latter of an Aristocrasie, and yet, after all, the Form is a real Monarchy, and nothing else; for these Conventions of the People or Senate are nothing but an Assembly of Counsellors, and the King has no necessary dependance on them. And on the contrary, in a *Democrasie* or *Aristocrasie*, the principal Magistrate or Prince of the Senate, who has the Office of consulting the Senate or Assembly in all publick Affairs, of executing the Laws, and enforcing their Decrees, and in whose Name the publick Acts and Decrees are made; will indeed be a lively Figure of a Monarch, but yet still the Supreme Authority will nevertheless still reside in the People or Senate. There are some indeed who oppose this distinction chiefly on this ground; Because the *Form* is the beginning or first mover of Operations, and they must of necessity follow the nature of their efficient Cause. Now (say they) the Form of a State is as it were the Fountain from whence all the Operations pertaining to the Administration of that State flow, and therefore it is impossible the Form should differ

differ from the Administration. To this others reply, That we ought to distinguish in these Cases between what one doth in his own Name or Right, and what he doth in anothers. In the first of these there can be no difference between the Form and the Manner of Administration; in the latter it is not impossible for a man to seem to be what he really is not: The thing in short is thus; *The different Forms of States or Governments result or spring from the different Subject, to whom the Supreme Power is committed or annexed, as it is a single Person, or a Council or Senate, consisting of a few men, or of all the People; but then, what Ministers are employed by them that have that Power in the executing of it, is nothing to the purpose, or all one.* I might say also, that Axiom on which the Argument resteth, is only true in natural Agents, but cannot rightly be applied (as it is here) to free Agents, who can govern their Actions as they please themselves.

*The German
Empire is no
Aristocrasie.*

5. But then, though these things may thus with Subtilty enough be disputed in the Schools, yet no wise man will thereby be perswaded to think the *German Empire* is an *Aristocrasie*, especially if he has any competent degree of Civil or Politick Experience and Knowledge, because the Essence of an *Aristocrasie* lies in the committing the Supreme Authority to a fixed and perpetual Senate or Council, which has a Right to deliberate, consult on, and determine all the publick Concerns and Affairs of

of that State, committing only the daily and emergent Affairs to some Magistrates, who are to execute the same, and are bound to give an account of their Actions to that Senate : But then there is no such Senate in *Germany* ; for the Chambers of *Spire* and *Vienna* do only judge of Appeals ; and the *Diet* is not holden as a settled and perpetual Senate, which has the Sovereign Authority, and is to direct all the publick Affairs of a State, ought to be ; but has ever been call'd upon particular and emergent Causes. There are some so weak, as to conclude the *German* Empire is infallibly an *Aristocrasie*, only because in the Diet things pass by a majority of Votes ; for in many Kingdoms there are Parliaments or Assemblies of the States, which are of the same nature with the Diets of *Germany*, and in them too the majority of Voices prevails, and yet they are Monarchies and not Aristocrasies ; as for example, *England*, *Sweden*, and *Scotland*. What is more usual, than for a System of States, which are united only by a strict League and Combination, to hold their Assemblies, Diets, or Parliaments ? And thus have all of them as much Power over the Members of their States, as the Diet of *Germany* have over the States, that compose it. The Society of the *Amphyctyones* and *Acheans* in old times, and the Diets of the Cantons in *Switzerland*, and the *Grisons*, and the Assemblies of the United Provinces, in their States-General at the *Hague*, in latter times, are full

full and clear Instances of this ; and true Aristocrasies have all of them this in common, *viz.* That no one in the Senate is superiour to the whole Senate ; and they all of them are bound as much to obey the Decree of the major part of the Senate, as any other Subject ; and the Senate has a Power of Life and Death over all the Members of it, which is by no means true of the Diet of *Germany* : And in an Aristocrasie the Senators have their private Estates, which commonly are greater than those of the private Subjects, yet not only the publick Revenues, but the private Estates of the Senators are as much subject to the Laws and Decrees of the Senate, as the Estates of private men : But in *Germany*, if you remove out of the Computation that which belongs to the several Members of the State, there will be nothing left for the Diet or Body to dispose of : And it would be a great abatement of the *German Liberty* to assert the Diet there has the same Authority over the Estates of its Members, that the Senate of the most Serene Republick of *Venice* has over those of its Senators. As to that famous Speech of *Albert Archbishop of Mentz*, when the Electors were considering whether they should elect *Charles V.* or *Francis I.* That the Government of France was too Monarchical, and that the Princes of Germany did rather incline to an Aristocrasie, which they ought carefully to preserve. This may easily be thus answered : There is no reason

son to suppose that Prelate had any exact knowledge of Politicks, and the sence of what he said is true, though he has ill expressed himself, viz. 'That if the *German* Princes were desirous to continue in the same condition they then were, they were to avoid the Empire or Government of a King of *France*, whose great design it ever was, to reduce the Nobility of their own Kingdom under the Laws of an Absolute Monarchy, and would, without all doubt, endeavour to do the same thing in *Germany*.

6. It remains now, that we consider whether it may be taken into the List or Number of Monarchies or Kingdoms; of these there are two sorts, the *Absolute* and the *Limited*. In the first, the whole Sovereign Power is in the hands of the Monarch, (by what Title soever he is call'd) and he governs all the publick Affairs as he himself pleaseth. But in the latter the King is bound up by certain Laws in the exercise of the Sovereign Power. All those that have not exactly considered the Difference between these two *Species* of Monarchies, have committed great Errors, whilst, because the Emperor has not an *Absolute Sovereignty*, they falsly conclude, that he has not a *Limited* neither. Now, he that can think the Emperor is an *Absolute Monarch*, is wonderful silly, and the Arguments that are brought for it, deserve rather to be hissed at than answered seriously. It is full as absurd to fetch an Argument to prove the

The German Empire no Regular Monarchy.

the *German* Emperor *absolute*, from the *Visions* of *Daniel*, as from the *Books* of the *Civil Law*: That the Emperor has no *Superiour* but *God*, and the *Sword* gives him no more *Absolute Authority* over the *Princes* of *Germany*, than it gives to the *State* of *Holland* over the other *Six*, who may as truly say this as he. As to the empty *Titles*, (as for example, that he is by all the *States* and *Princes* stiled their most merciful *Lord*, and that in the conclusion of their *Letters* they promise much in the *Matter* of *Loyalty* and *Obedience* to him) the *Genius* of the *Age*, the *Stile* of the *Times* are responsible for them, and there is no more to be expected from them than from other *Expressions* of *Honour* and *Respect*, in which the most unwilling to act is the most forward to promise what he never means to perform. That *Plenitude* and *Perfection* of *Power* which the *Secretaries* and *Clerks* ascribe to the *Emperor*, in their *Letters* and *Decrees*, is a meer *Jargon* of insignificant words. The *States* do indeed swear *Allegiance* to the *Emperor*, but with a saving of their own *Liberties* and *Rights*. And I have already sufficiently shewn what *Power* is thereby reserved and secured to them; but to use any more words in so plain a case, were not only needless but foolish.

That it is no
Limited Mon-
archy.

7. The Opinion of those who have ascribed to the *Emperor* a *Supreme Regal Power*, but limited and restrained within the *Bounds* of certain *Laws*, has seemed the

the most probable of all other to the greatest part of men; and you shall also frequently hear this Opinion defended and stoutly maintained in the Schools of *Germany*: The first that appeared openly against this Opinion was a nameless Author, under the feigned Title of *Hippolithus a Lapide*, in the heat of the *Imperial* and *Swedish* War. This Writer saith many things of unquestionable veracity, which no modest man can deny; but then it is no less apparent, his implacable Hatred to the House of *Austria* has in other things misled and deceived him. The prohibiting the reading of this Book was the only thing that gave it Reputation, and made Learned men inquisitive after it; so that it was read with unusual Application and Care: Yet however, I should never have mention'd it, but that I find many still so fond of it, that they still think it an invaluable Treasure, and that all those that have pretended to answer it, have rather trifled with the Subject, or basely flattered the Emperor, than destroyed his Reasons. This Author has well and clearly proved, that the Emperor has not a Supreme and Regal Authority over the Princes and States of *Germany*; but then is strangely absurd, when he makes the Emperor subject to the States, and gives him nothing but the naked Dignity of a subordinate Magistrate, that wears a great many proud Titles precariously bestowed upon him; as if wherever the Monarchy is not Absolute, it must present-

Hippolithus a Lapide considered and confuted.

L ly

ly degenerate into an *Aristocrasie*, and a Prince must presently acknowledge all those to be his Superiors. whom he could not command and govern as he pleased. He that observes this one Mistake, will be able by it to unravel and disbowel all his weak Arguments: And yet, besides this, he mingles many other silly Fallacies, of which I shall mention some few to expose his Folly. To prove that the Sovereign Majesty is alwaies in the Princes, he alledgeth, That it is in them when the Imperial Throne is vacant. But who knows not that? In all other Kingdoms, during the *Interregnum*, the Sovereign Power returns into the hands of the People, or of their Representatives the States, which yet they can retain no longer, than till they have made a new King: Nor doth a man presently make every one his Master, to whom he willingly gives an account of his Actions: It is one thing to give an account to a Superiour, who can punish me if I have not performed my Duty to his satisfaction, and quite another thing to do it to one who expects it according to an Agreement to that purpose made between us; and it is yet less, when I do it to preserve my own Reputation, and without any other Motive or Reason. Thus Kings, when they begin a War, endeavour to satisfy all the World in the Justice of their Cause. Thus one Companion or Partner gives the other, and a Guardian gives the Pupil when he comes
to

to Age an account of his Administration. Nor is he anothers Master and Superiour, who can remove him from his Office; for that a man may by Compact and Agreement be preferred to the management of their common Concerns, so that neither of these may have any direct and true Authority or Sovereignty over the other, and so when he doth not please the other Party, and for that cause is deposed or turn'd out of his Administration, it has no other effect or cause than the breaking off the Bargain made with him, because he has not performed his part of the Contract, and satisfied the Conditions of the Covenant. And yet perhaps a man might doubt whether all that was done in the Cases of *Henry IV.* and *Adolph of Nassau*, were legally and regularly done, but that it is notorious the Reverend Bishops of those Ages were the principal Agents in those Affairs. What he so largely argues from the Power of the *Diet* are true, as to the matter of Fact, but nothing to his purpose for which he alledgeth them; for though the Emperor can in truth do nothing against the Consent of the States, yet I think it is as true, that no man ever heard the States pretended to do any thing without the Consent of the Emperor. The Electors, in their *Capitular*, do prescribe to the Emperor what he shall, and what he shall not do; not by force of any Authority they have, or pretend to have over him, but by way of Contract: So that if the Em-

peror should pretend to enjoin any thing contrary to his Covenants with them, they may safely and lawfully not obey him in those Instances : But then, this springs from the nature of all Contracts, and not from any Authority the Electors have over the Emperor. That is more probable yet that he alledgeth from Ancient Custom and the *Golden Bull*, viz. That if the Emperor should happen to be complained of, in certain particulars, he shall be bound to answer the Complaint before the Count *Palatine* of the *Rhine*. And it is well known, that the *Three Spiritual Electors* cited *Albert I.* Emperor, before *Rudolph* Count *Palatine* to plead his Cause and defend himself ; but then, when they had so great a Criminal to contest with, they relied more on their Swords and Armies, than on their Counsel or Judge. But then, since the Date of the *Golden Bull*, there is not one Example to be found of any such Suit commenc'd against the Emperor, that I have read of. The Rise of that Authority which the Count *Palatine* has, did, without doubt, spring from his Office, which in ancient time, as *Mayor* of the Palace, he exercised in the King's Court : For as he exercised a real Jurisdiction over the other Courtiers, so if any thing was demanded of the King, which was doubted of, it was wont to be refer'd to the Examination of the Count *Palatine*, to whose Sentence the King stood, not because he owned the Count (who was his Servant and Subject) for his Superior,

rior, but because when he once knew the Petitioner had Right to what he asked, it was beneath a King to do him wrong: As we have known many Princes in *Germany*, and elsewhere, who when they doubted of any Debt demanded of them, have answered the Claim in their own Courts. And yet it is not to be supposed that these Courts have any Authority over their Princes, or could force them to pay those Debts, if the Reverence they bear to Justice, the Publick, and their own Private Conscience, and the desire they naturally have to preserve a good Reputation in the World, did not much more powerfully move them to pay them, than the Authority of these Courts, which are managed by their Subjects and Servants. And I believe the States of *Germany* think they are happy enough in this Privilege, That the Emperor can exact nothing of them against their wills; and that the Wisest of them would disclaim the Invidious Liberty of commanding their own Emperor.

8. Doubtless the Emperor would with great facility compound the Dispute with our *Hippolitus*, and obtain his Leave to continue a Prince still, and not be reduced by him to the mean condition of a Subject: *The Arguments of those that pretend it is a Limited Monarchy, answered.*

But they are not so easily baffled, who allow the Emperor to be a Sovereign, but Limited King, and ascribe unto the States great Liberties, but tempered too by Laws, and so place *Germany* in the List of Limited Monarchies; for, as for those who

prate of mixed forms of Government, they can never disintangle themselves from the Objections brought against them, for that not only all kinds of mixture can produce nothing at last but a monstrous deformed Government, but it is also certain none of the Notions of that kind will at all fit *Germany*, in which the whole Supreme Power is not undividedly in the hands of many, nor are the Parts of it divided between divers Persons or Colleges here. But to return to our former Monarchists, They pretend that the *Capitulars* made with the Emperors when they are chosen, are not at all inconsistent with the nature of a Limited Monarchy; as for instance: That he is bound to administer the Government according to the Fundamental Laws, and to require the Consent of the States in their Diet, for those things that are of the greatest moment: That he cannot enact new Laws without their Consent, nor change any thing in the matters of Religion, nor make War or Peace, or enter Leagues, without the Approbation of his Subjects: That he must determine their Controversies in certain known Courts, and by Stated Laws and Methods. And whereas the Princes and States swear Fidelity both to the *Empire* and the *Emperor*, this they think may be thus explained: That they will obey the Emperor as far as he shall employ their Assistance and Treasures to the Publick Good, and as far as is expressed in the Laws; and that as to the

the rest of the States, they will live like good Neighbours and true Fellow-Subjects. But still at last there are two things that will not suffer us to reckon *Germany* amongst the *Limited Monarchies*: First, In every Limited Kingdom, though the King is bound up by some certain Laws in the management of its Government, yet after all, he so far excells all his Subjects, that none of them dares presume to compare his Liberty or his Rights with the Power of his Prince; and therefore all the Nobility depend on the Will of the King, and are responsable to him for their Actions. Now, that it is otherwise in *Germany*, is known to all the World; for none of the *German* Princes or States will acknowledg, that the Dominions which are under them are more the Emperor's than they are theirs, or that they are bound in the Administration of them to have respect more to the Service of the Emperor, or the People, than to their own Personal Profit and Advantage. But on the contrary, every one of them is so far a Sovereign, that he makes War upon his Neighbours at home or abroad, and entereth into Leagues with his Neighbours or Foreigners, without ever consulting the Emperor; and every one of them that can trust to his own Forces, or those of his Allies, looks upon the Reverence he owes to the Emperor, as a meer empty piece of Pageantry. To conclude, every King, how Limited soever he may otherwise be, must still have sufficient

*Two Arguments
against This.*

Power left to command all the Forces of his whole Kingdom, and direct them as he thinks fit, so that the last Resort may be to him, and the said Forces be united in him as their Head, for the procuring the Common Good, so that they may seem all of them to be, as it were, animated and governed by one Soul. Now he that can see or find this in *Germany*, must be wonderfully quick-sighted; for there he that is call'd their King, has no Revenues from the Empire, but is forced to live by his own Juice, there being no common Treasure; nor are there any common Forces, but every Prince and State disposeth of the Forces and Revenues in his own Territories, as he or they think fit, and only contributes to the Publick some small matter, and that after tedious Delays, and much humble Attendance and Courtship for it. All which things have been fully and clearly proved in the Chapter before this, and are found evidently true in the Actions of these Princes.

*That it is an
Irregular System
of Sovereign
States.*

9. There is now nothing left for us to say, but that *Germany* is an Irregular Body, and like some mis-shapen Monster, if it be measured by the common Rules of Politicks and Civil Prudence. So that in length of time, by the Lazy-easiness of the Emperors, the Ambition of the Princes, and the Turbulence of the Clergy or Churchmen, from a Regular Kingdom it sunk and degenerated to that degree, that it is not now so much as a *Limited Kingdom*, (tho' the

the outward Shews and Appearances would seem to insinuate so much) nor is it a *Body* or *System* of many Sovereign States and Princes, knit and united in a League, but something (without a Name) that fluctates between these two. This Irregularity in its Constitution affords the matter of an inextricable and incurable Disease, and many internal Convulsions, whilst the Emperor is alwaies labouring to reduce it to the condition of a Regular Empire, Kingdom, or Monarchy; and the States on the other side are restlessly acquiring to themselves a full and perfect Liberty. But then, as it is the nature of all Degenerations, that they go forward in their Degeneracy and Corruption with great Facility, (it being a down-hill motion) but they can hardly, and with much difficulty, be reduced to the pristine or ancient state; for, as a Stone laid on the edge of a Precipice or Downfall, is with the smallest Thrust thrown down to the bottom, but it is not to be replaced again at the top without great and almost insuperable difficulty: So now *Germany*, without great Commotions, and the utmost Confusion of all things, can never be reformed or reduced to the Laws of a Just and Regular Kingdom, but it tends naturally to the state of a *Confederate System*. Nay, if you take away the mutual Bond or Tie between the Emperor and the States, (I suppose he means their Oaths) *Germany* would then truly be a *System of States*, united in an unequal League, because
those

those that are called the *States*, are still bound to reverence the Imperial Majesty, as their Head. For a *Free State*, we may take for our Example of this, the League between the *Romans* and the *Latin People*, before the latter were reduced into the condition of meer *Subjects*. So the Generalship of *Agamemnon*, in the Warlike Expedition of the *Greeks* against the *Trojans*, was of the same nature: And it commonly comes to pass, in length of time, that he that is the Superiour in these Leagues, if he has much the advantage of his Allies in point of Power, by degrees he sinks them into the condition of meer Subjects, and so treats them. Thus the best account we can possibly give of the Present State of *Germany*, is to say, *That it comes very near a System of many Sovereign States, in which one Prince or General of the League excells the rest of the Confederates, and is cloathed with the Ornaments of a Sovereign Prince; but then this Body is attack'd by furious Diseases; of which I shall treat in the next Chapter.*

C H A P. VII.

*Of the Strength and Diseases of the
German Empire.*

1. **T**HE Forces of any State may be considered as they are in themselves, or as by reason of the elegant Structure of its Form or Constitution they may be used. Forces considered in themselves, consist in *Men and Things*. As to the first of these, *Men*, Germany has no reason to complain that it wants numbers of them, or they Wit or Ingenuity; there is so great a multitude of the principal Nobility, and they too are in such splendid circumstances, that there is scarcely the like to be found elsewhere in all the World. The Gentry or Inferiour Nobility are neither for want of Ground, or by their over-great number compell'd to condescend to the exercise of mean and sordid Arts (Trades.) Perhaps yet there are more of them employed in Learning than is convenient, though amongst the many Graduates there are not many eminent Scholars. Of Merchants, Tradesmen, and Mechanicks there is a great plenty: But then in many places there is now
a want

*The Subjects of
Humane Force.*

*Husbandmen
most wanted.*

*A vast Army
may be easily
levied.*

a want of Husbandmen, considering the largeness of the Country. This is owing partly to the Thirty years War, by which *Germany* was most miserably desolated; and partly because the Countrymen are of that Temper, that as soon as they arrive at any considerable Estate, they put out their Children to *Trades*, as thinking those that live in the Cities much more happy than themselves. Though I can scarce think that any Man had so much leisure as to take an exact account of the Cities and Burroughs of *Germany*, yet I believe no man would be suspected by one that knew that Country, if he should say, that an Army of Two Hundred Thousand Men might be levied, by taking out of every City five men, and out of every Burrough-Town one, or two at most. For a Specimen of this, there are some Authors that say, That in the Ten Circles there are 1957 Cities, Towns, and Castles, besides the Kingdom of *Bohemia*, in which, in the Reign of *Ferdinand I.* there were 102 Cities, and 308 Towns, and 258 considerable Castles, 171 Monasteries, and of Villages 30363. In *Silesia* there are 411 Cities, 863 Towns, and 51112 Villages. In *Moravia* there are 100 Cities, 410 Towns, 30360 Villages, and before the Protestants destroyed them, there were 11024 Monasteries, Priories, Abbies, and Nunneries. Thus *Ferdinand II.* is, by his Zeal for the Church of *Rome*, said to have brought into her Communion One hundred thousand men. This Nation is not only thus wonderfully Populous,

lous, but from all times of which any memory has been preserved, it has been ever famous for War, and greedy of Military Glory, spending freely, for a little Money, its Blood in all the Nations of Europe. As they are not over-hot in their Passions, so they are very constant, and have Souls very capable of Discipline and Instruction. Nor is this Nation less to be admired and commended for their Mechanick Arts and Ingenious Manufactures: And which crowns all, and tends wonderfully to the Security and Welfare of Societies, they are not at all inclined to promote Changes in their Governments, and can with Patience and Submission endure the most Rigid Government. [*I cannot forbear saying, the English Nation has all the German Virtues, which they brought over with them, but these last; for no Government will long please us, being too much addicted to hope for better days in other Publick Circumstances: And we are certainly the Nation in the whole World that can the worst bear an overloose remiss Government, or a rigid severe one, especially if not regulated exactly by Laws.*]

The Inhabitants as warlike as numerous.

Steady and constant in their Humours.

The Temper of the English different.

2. Amongst the things in which the Strength of a Nation consisteth, the first that is to be considered is, the Country it self: As to the extent of it, that may easily be known, by travelling from Cassuben upon the Baltick Sea, in the further Pomerania, to Montpelgart, upon the River Alain, 33 Miles from Basil to the West; or from the furthest parts of Holstein; N. W. to the farthest

In the point of Strength the Country first to be considered.

farthest part of *Carniola*, *S. E.* or from *Liege* in the *W.* to the utmost *Eastern* Border of *Silesia*. In this vast-extended Region, if you except the top of the *Alps*, there are very few places which produce nothing useful to the Life of Man ; but there are every where that Plenty of Necessaries , that it wants nothing from abroad , but what may promote Luxury and Superfluous Pleasures. The Mines, and some Rivers, afford a little Gold, and all its Precious Stones are of small value : But then there is some Silver, and great plenty of Copper, Tin, Lead, Iron, Quicksilver, and other Metals of less price, digged out of the Earth in very many places. The Fountains afford as much Salt as the Country needeth, though in all the Countries bordering on the Sea, and the Navigable Rivers, they generally use Salt brought from *France*, *Portugal*, and *Holland*. They have great Plenty of Corn and Fruits of all sorts, Wood, Cloathing, both Linen and Woollen ; as also Horses, great Cattel and small, and Wild Beasts ; and they want not those Liquors that will make them drunk. So that in the whole, *Germany* may be esteemed a Wealthy Region, because it not only produceth those Metals of which Money is minted, but all other things too, which are required to the Support or Pleasure of Humane Life, in that plenty, that it can serve all its own Inhabitants, and afford great quantities to be transported to Foreign Nations, and those that are imported from abroad, are either much

much less in value, or such things as the *Germans* might conveniently live without, if they knew how to suppress their Luxury, or lay by their Laziness and Folly. As for example : How easie were it for them to be well content with their own *Wine* and *Beer* ? Or if they are not sufficient to make them drunk enough, they might quicken the operation thereof with the hellish steams of *Wandy*, and in the mean time never know or regard the *Spanish* and *French* Wines. How easie were it for the *Germans* to cloath themselves with their own Cloth, made of their own Wools, and leave the *Spanish*, *English*, and *Hollanders* to wear theirs too ? Or if they are taken with the beauty and fineness of them, then they ought to have encouraged their own Workmen to mend the Manufacture. Nor would it be any Grievance to the *Germans* to want the *Italian* Silks : Or if they must needs be well and finely clad, the parts about the *Rhine* produce sufficient quantities of *Mulberry Trees* ; and so they might have Silk too, if the Inhabitants could once perswade themselves to mind something besides their Vineyards : Thus having *Mulberries* and *Silkworms*, they might (if they pleased) learn the Art of making *Silks*. And though it may perhaps be reasonable to impute the *Germans* affecting the *French* Fashions to the simplicity of this Nation, as believing it becomes them much more than their own : Yet it cannot be denied, but it is a piece of intolerable Folly to fetch
their

their Stuffs, which are not fit for us ; nay, the very Name of *French* Goods enhaunceth the value and esteem of what would otherwise be slighted : The *Frenchmens* varying so often the Figures and Forms of their Stuffs, is not an Argument of their Levity and Inconstancy, as some think, but a very crafty Design, for by this means they prevent the *German* Workmen from ever imitating them ; though in truth the greatest part of the Artificers of *Germany* think it a Sin to vary from the received method they have once settled in their Trades ; nor can they possibly persuade themselves, that there is any thing in the new Inventions which is good, or to be imitated, because forsooth it was not known to their Grandfathers. *Lastly*, If *Germany* could possibly command and rule its own Luxury, much less *Sugar* and *Spices*, which with other things of that nature are brought from the *East* and *West Indies*, would then serve it.

Germany well
stored with
what will carry
on a Trade.

3. Nor doth *Germany* want the means of drawing to it self the Riches of other Countries by Commerce : To that purpose it is required, that the Situation of a Country be convenient for the passage of its Inhabitants to other Nations, and also the reception of Strangers amongst them ; and lastly, that the Inhabitants may have something to spare, which they may export into Foreign Nations. Now all those Cities are very conveniently seated for a Trade, which stand upon the *Ocean* and the
Bat-

Baltick Sea, and the Inland Towns which stand upon great and navigable Rivers, on the account of the cheapness of Carriage : for all Merchandise which is carried by a Land-Carriage, affords little profit, by reason of the charge. The Goods which are exported out of *Germany* are these that follow. *Iron*, wrought and unwrought, *Their Commodities.*

Lead, *Quick silver*, *Wine*, *Beer*, *Brandy*, *Corn*, *Wool*, *Course Cloth*, and several sorts of *Cloth*, *Linens*, *Horses*, *Sheep*, &c. And yet I cannot deny, but after all, there appears a far greater plenty of Money in other Countries, than in *Germany* ; and there seems to be many reasons for it : For,

1. What wonder is it, that a Country should appear exhausted, which has endured a War of Thirty years continuance, and has in all that time been exposed to the Ravage of its own and foreign Soldiers. *Yet she wants Money, and the Reasons why.*

2. There are other Countries which are placed much better for a Trade than *Germany*, because there are very few, in comparison of the *German Cities*, which stand well for it ; when as on the contrary, the Sea favoureth much more *England*, *Italy*, *Spain*, *Portugal*, *France*, and the *Netherlands*.

3. There are other Countries which have Countries subject to them that are no parts of them, and so represent the Wealth of many Nations in a small room crowded together. This is the case of *Spain*, *Portugal*, *England*, and *Holland* ; but *Germany* has no Dominions without its own Bounds to enrich it.

4. The Beauty
M and

and Greatness of the capital Cities in other Countries, in which the Wealth of a whole Nation is sometimes contracted, strikes the Eyes, and excites the Wonder of a Stranger. Thus many ignorant People judge of the Riches of *France* by *Paris*; by *London* and *Lisbonne* they judge of *England* and *Portugal*; but in so vast a Country as *Germany*, the Riches, which are so very much dispersed, must necessarily seem less than indeed they are. 5. Much of the Money of *Germany* is by the Folly of its Natives carried into foreign Countries, for Commodities they might either have at home, or easily be without. 6. I know not whether I ought not to add, That the Travels of the *German* Youth into Foreign Countries, spends much of their Money, which is drawn over into those parts; for though perhaps it is not amiss to have the *German* Rusticity and Dulness allayed and tempered by the Conversation of Foreigners; yet I think on the other side they deserve Scorn or Pity, who bring out of *Italy* no other Improvements, but a Sett of Sins, unknown before in their native Country, together with some new and unheard-of forms of Swearing, and Blaspheming God. Nor doth *France* for the most part return those that travel in it with any better Accomplishments than that of a fordid Luxury, and an exact experimental knowledge of the various degrees and kinds of the Venereal Mange: Yet there are some who had not the patience to
earn

earn the Title of a *Doctor* at home, by many years Study and Applications, but having taken a great turn in *Italy*, or *France*, are ever after counted wonderfully learned: And a Foreigner too may purchase the Title of *Doctor* much cheaper in *Italy* than in *Germany*, and with less Breach of his Modesty; and this and their Ignorance is all they bring home with them, though in truth for their Honour it may be said, There are a great many *German* Doctors as errant Blockheads as they.

4. But then, seeing no man can properly and truly be said to be strong or weak, till he is compared with others, let us in the next place compare the Forces of *Germany* with its neighbour Nations. *Germany* bordereth to the *South-East* upon the *Ottoman* Empire in *Stiria*, *Hungary* and *Croatia*, these two, though not parts of *Germany*, being its Ramperts. Now, tho' the *Turks*, from their large Dominions, can raise much more Money and Men, yet there is no great reason for the *Germans* to fear them; for he can only assault a corner of this Empire, where it terminates in a sharp Angle like a Wedg, and that at a great distance from the Heart or Regal City of *Turkey*; so that they never make an *Hungarian* War, but at a vast Charge and Expence. Nor are the *Turkish* Souldiers to be compared with the *German*, when they are well exercised, for Strength or Hardiness; and therefore the *Asian* Forces are with great difficulty

The Strength of Germany compared with its Neighbours.

First, with the Turks.

M 2 brought

brought hither, where they cannot bear the coldness and sharpness of the Air; and whilst all their Forces are thus drawn to the Extremity of the *Turkish* Empire, the opposite parts are left naked and defenceless to the Inroads of the *Persians*, who seldom fail to take these favourable Opportunities. And then, because *Servia*, *Bulgaria*, and that part of *Hungary* which is possessed by the *Turks*, is not sufficient to maintain those great Armies they must employ against the *Germans*, the rest of their Provisions, and all their Ammunition, must be brought by a Land-Carriage, with vast Labour and Expence; for, to the great Good of *Germany*, the *Danube*, and all the other considerable Rivers, run towards the East; so that *Germany* has very rarely employed above a fourth part of her Forces against the *Turks*, and those too much weakened by the Cowardice and Discord of their Commanders, and the want of Money and good Discipline; and yet, after all, the *Germans* have oftner beat the *Turks*, than the *Turks* have the *Germans*, yet the very Name of the *Turks* is become terrible to the common People of *Germany*, both on the score of their barbarous and outrageous Customs and Manners, heightened by the Artifice of the *Austrian* Family, which by that means the more easily drain their Purses; as also by the zealous Preachments of the Friars, who find their profit in these Terrors, which they raise in the minds of their Hearers: [And also on the account of

A fourth part
of the German
Forces equal to
the *Turks*.

An Addition.

‘of the dreadful Devastations they have made
 ‘whenever they have broke in upon that
 ‘Nation, by wasting all they could over-
 ‘run with Fire and Sword, and carrying
 ‘the Inhabitants into Slavery: But with-
 ‘in the last Seven years, the *Germans* have
 ‘had so continual a Torrent of Victory
 ‘attending upon their Arms, that now
 ‘the *Turks* are become contemptible to
 ‘the *Germans*, and by the Blessing of God
 ‘in a few years, might have been
 ‘driven over the *Hellespont* into *Asia*, from
 ‘whence they first came, if the *French*
 ‘King, who began the present War, by
 ‘his Arts, had not, to prevent their utter
 ‘ruine, in the year 1688, began as destru-
 ‘ctive a War on the other side of the
 ‘*German* Empire, which will in all probability
 ‘force the Emperor to sit down contented with
 ‘*Hungary, Transylvania, Wallachia, Servia, and*
 ‘*Bosnia*, and leave the *Turks* in the Posses-
 ‘sion of *Bulgaria, Thrace, and Macedonia*, and
 ‘a part of *Albania* and *Dalmatia*, but much
 ‘sunk in Courage, Reputation, Strength,
 ‘and Wealth, so that he is never likely to
 ‘recover his Loss again.]

5. *Italy* is very much inferiour to Ger- Germany com-
 many, both as to Men and Wealth, and pared with
 being divided into many small impuissant Italy,
 States, is not in a condition to offer any
 Violence to its neighbour Nations; so that
 the *Italians* are very well pleased, if the Empe-
 ror will but sit down with the loss of his
 ancient Pretences to their Country; espe-
 cially now that the Pope’s Thunderbolts,

And Poland.

With the Danes

With England.

*With the Hol-
landers.*

which heretofore were very dreadful, are now for want of the former Zeal, become weak and contemptible. Nor is ~~Poland~~ Poland in a condition to compare her self in any respect with *Germany*; and seeing the Interest of the *Polish State* is, rather to defend what they have, than to make any Conquests upon their Neighbours, and that the Necessity of the *German Affairs* must needs teach them the selfsame modesty: There can hardly be supposed any Case in which the *German Princes* can be tempted to make a War upon *Poland*, except any of the Emperors should intermeddle with their private internal Quarrels and Civil Wars. The *Danes* were never yet in a condition to subdue their neighbour *Hamburgers*, much less are they able to attack the Forces of all *Germany*, who tremble at every motion of the *Swedes*. The *Germans* are nothing concerned to see the *English* Masters of her own Ocean, and, as it were folly in the *English* to attempt the subduing the Continent, so the *Germans* have no Naval Forces that can dispute their Sovereignty of the Ocean, or ought at all to be compared with the *English* Royal Navies. The *United States* of *Holland* have neither Will nor Power to attempt any thing against the Empire of *Germany*, for these Water-Rats are altogether unfit for Land-service; and although they have Money in abundance, yet it is not for the Security of their own Liberty, to maintain too great a Land-Army:
So

So that they are well pleased, if the *German*s will but suffer them to enjoy the Forts and Cities they have taken and garrison'd to defend themselves from the *Spaniards*, though belonging to the Empire.

['These Towns belonged to the Duke-*An Addition.*
'doms of *Cleves* and *Jüliers*, and to the Archbishoprick of *Cologne*, and were all taken by the *French*, in the year 1672, and 'in the Treaty of *Nimwegen* restored all 'to their proper Owners, except *Maeftriecht*, 'which yet belongs rather to the *Spaniards* 'than the *German* Empire, which having happened since our Author wrote, was here to 'be taken notice of.] The *Spaniards* *with Spain.*

have no Territories which border upon *Germany*, which are worthy to be compared with it; and *Spain* it self is so very remote, and her Forces so exhausted, that she is not able to reconquer the small Kingdom of *Portugal*. Even *Charles V.* when *Spain* was in the height of all its Glory and Power, though Master of it and all the *Austrian* Dominions, and Emperor of *Germany* too, yet after all, he was not able to oppress the rest of *Germany*. As *with Sweden.*
to *Sweden*, though you consider all those Provinces she has conquered on the South side of the *Baltick Sea*, yet she is not to be compared to *Germany* in Men or Monies: For whereas some men have been so much mis-led on the account of the old Proverb, which called *Scandinavia*, now *Sweden*, *Vagina Gentium*, the Sheath of Nations (and on the score also of the late

great Victories obtained by the *Swedes* in *Germany*, under the Conduct of *Gustavus Adolphus* their King) as to think it is superior, or at least equal to *Germany* in Men; yet wise men do very well see and understand the true Reasons of those great Successes, and that they proceeded neither from the Numbers nor extraordinary Valour of the *Swedes*; for in the space of Eighteen years, there was not brought over out of *Sweden* into *Germany*, above Seventy thousand men, the far greatest part of which returned back again, and yet, during that War, there was scarce ever less than an Hundred thousand men of the *Germans* in pay; so that the true cause of that wonderful Progress was the Discord of the *Germans*, the opportunity of the Times, which favoured the *Swedes*, and because all the Protestants being oppressed by the *Austrians*, looked upon *Gustavus Adolphus* as a Deliverer sent to them for their Preservation, from Heaven. But as to the now most flourishing Kingdom of *France*, we may with greater probability doubt, whether it be not a Match for *Germany*; and yet if the Forces of both Nations be well considered, without their Advantages or Weaknesses, (*France* being the stronger for being a regular Kingdom, and *Germany* the weaker for being a knot of Independent States) *Germany* is certainly the strongest of the two; for, 1. It is much greater than *France*; and though we should suppose it only equal to *France*, in point

With France.

point of Fertility, yet even then it would excell *France* as to its Minerals. 2. It has more Men than *France*, and the *Germans* have on many occasions proved themselves the better Souldiers of the two. 3. As to the quantity of Money, it is very difficult to determine on which side the Advantage lieth, for it is not to be guessed how much Gold the present King of *France* has squeezed out of the old Horseleaches of his Kingdom, and how much he has encreased his Revenues, which is not to be taken into consideration without wonder: But then, at the same time, it is to be observed, that the People of *France* are much more harass'd, oppress'd, and ruin'd by their excessive Taxes, than the People of *Germany* are, and that all the Wealth of *France* runs in one Channel; whereas in *Germany* it is divided amongst many Princes, and so it will not so easily be computed or estimated, as it might if it were paid all into one Prince. [' Since ' this Author wrote, there have been two ' Wars between *Germany* and *France*, and ' the second is now depending. In the ' first the *Germans* were ever too hard for ' the *French*, whilst they fought them in the ' Field, but the *French* drawing on the ' War, the *Germans* were at last worsted ' for want of Money, and much more ' worsted in the Treaty, and after it by ' the Treachery of the *French*. But now ' the *Turks* are reduced to such an ebb, and ' all *Christendome* is united against *France*, ' so

An Addition.

'so that all their Trade is cut off: The
 'Germans have apparently at present the
 'Advantage, and it is not denied by the
 'French, who do what they can to sepa-
 'rate the Allies one from another ; if
 'they fail in this, another Summer may,
 'by God's Blessing, shew the World, the
 'German Nation is much superiour to the
 'French, and force that King to disgorge
 'Lorrain, Strasburg, both the *Alsatia's*, and
 'the *Franche Comté*, which have been got
 'more by Purchase and Surprize, than
 'by the Force of a generous and open
 'War.

The Strength of
 Germany com-
 pared with its
 Neighbours,
 united against
 her.

6. But though we suppose *Germany* su-
 perior to any of its Neighbours when
 singly taken, what may be the event, if
 they should unite against her ? Here, in
 the first place we ought to consider, that
 Interest of State will not suffer many of
 her Neighbours to unite against her ; and
 that the Forces of others are so much in-
 ferior to *Germany*, that there is no rea-
 son for her to be concerned how they be-
 have themselves : And lastly, it ought to
 be considered, that the other Princes will
 not sit still, and suffer *Germany* to fall into
 the hands of any one Prince, who would
 then be in a condition to oppress and en-
 slave the rest of the *European* Princes : So
 that there will for ever be some Princes
 found, who will join with the *Germans*,
 and help them to preserve their Liberty
 for their own sakes. So that there is in
 effect but three Princes in the World, who
 at

at present are in capacity of subduing *Germany*, viz. The *Turks*, the House of *Austria*, and the King of *France*. Now, it is not probable any Christian Prince will openly join with the *Turks* against *Germany*, no, not the King of *France*; for the old Leagues the *French* had with the *Turks*, were only for the curbing the over-great Forces of *Charles V.* who was then much too powerful for *Francis I.* King of *France*; but we are never to fear a League, in which these two Princes shall unite their Forces, and jointly at once invade *Germany*, to the end to make a Conquest of it; because it would be both wicked and foolish to promote the Affairs of that barbarous Prince to that degree, who bears an immortal hatred to all that is call'd *Christian*. Besides, as it is better for *France*, that *Germany* should continue as it is, than that any considerable share of it should fall into the hands of the *Turks*; so it is better too for the *Turks*, that it should continue in this divided state, which makes it unfit to wage a War for Conquest upon its Neighbors, rather than to have it brought by the *French* into the state of a well-formed Monarchy; because if *France* and *Germany* were once thoroughly united in one Prince's hand, the *Turk* would have too much reason to fear what Fortune might betide his *Constantinople*. Nor is it the Interest of any of the *European* Princes, to suffer the House of *Austria* to reduce the rest of *Germany* under their Dominion; and therefore I can,

cannot think any of them would be so mad, as to promote them in it, or lend their Assistance to it. And as the *Spaniard*, who is under a Branch of this Family, might possibly be contented to do it, so the *French* would certainly oppose it with all their Power, with whom, in that Case, the *Swedes* and *Hollanders* would join the more readily, because they never defended the *German* Liberty, but to their own very great advantage. Nor would the Pope in this Case be over-forward to assist the House of *Austria*, because though it would be very glorious to him, and profitable too, to reduce so many straying Sheep into the Church's Fold; yet let the hazard or loss of Souls be what it will, he is not to hazard the loss of the *Italian* Liberty, by making either the Emperor or the King of *Spain* Masters of that Country: And if now the *French* should attempt the Conquest of *Germany*; *Spain*, *England*, *Italy*, and *Holland* would all unite with the Empire against him; the *Danes* perhaps would not be much concerned at it, so be they might be delivered from the Terror of *Sweden*, though they for ever truckled under *France*: But then the assistance of the *Swedes* would in this case be very considerable, especially if that Nation happened to have then a Martial and a Warlike Prince. But then it has been long since observed, that the *French* must pay the *Swedes* very well for their assistance; the *French* would also expect to be the only Gainers in the end
of

of the War ; for the *French* would never be pleased to see the *Swedes* enlarge their Conquests in *Germany*, with their Money, to that degree especially, that they might ever after despise the *French* Monarch. And on the other side, the *Swedes* are very sensible how foolish it is to spend their Bloods to the Advantage of the *French*, and not at all for their own Benefit. Nor are they so dull, but that they very well know and consider, that when the *French* are once Masters of the greatest part of *Germany*, they will then pretend to give Laws to the *Swedes*, as well as to the *Germans* : And from this Consideration it is, that there has for some time been a very moderate and luke-warm Friendship between these two Nations. [' Which since the War in ' 1672. in which the *French* exposed the ' *Swedes* to all the Forces of the *Branden-* ' *burgers*, and at the same time seized the ' Dukedom of *Deuxpont*, which belongs to ' the King of *Sweden*, though it lies on the ' Borders of *France*, is so much abated, that ' it is verily believed the *Swedes* will now ' heartily join with the *Germans*, to humble ' *France* ; and it is certain, in this present ' War he has done what was possible to ' prevent the *Danes* from embroiling the ' North parts of *Germany*, which the *French* ' passionately desired.] The *French* King growing weary of the distant *Swedes*, thought it more for his Interest, before this, to draw some of the *German* Princes on the *Rhine* into Leagues with him, and

An Addition.

as the Report goes, has not been sparing in his Pensions to them, and upon all occasions shews himself very solicitous for the general Liberty of *Germany*; offering himself as a Mediator, to compose any Difference that happen to arise between one Prince and another, and is ever ready to send Money or Men to every one of them that desireth either of them; and in short, makes it his great business to shew them, that they may certainly expect more from his Friendship than from the Emperor's, or from the Laws of the Empire. Now, the man must be very stupid, who doth not see, that the End of all this Courtship is the opening a Way to the Ruin of the *German* Liberty, especially if the Male Line of the House of *Austria* should happen to fail. ['And the *French* King should there-
 ' upon obtain the Empire. When this Au-
 ' thor wrote, the Emperor of *Germany* had
 ' no Son: The Princes of the *Rhine* he
 ' here hints at, are, the Elector of *Cologne*,
 ' and the Duke of *Bavaria*, to whose Sister
 ' he afterwards married the *Dauphin* his
 ' Son, to fix him for ever to *France*; but
 ' all would not do, that Prince has since
 ' seen his true Interest, as all the German
 ' Princes too by this time do; and now
 ' *France* finding the wheeling way will ne-
 ' ver do, has taken the way of Rage and
 ' Conquest, having disoblged the whole
 ' World, and what the event will be, is in
 ' the Hand of God.]

An Addition.

7. This bulky and formidable Body, which is thus united in the common Appellation of the *German* Empire, and if it were reduced under the Laws of a regular Monarchy, would be formidable to all *Europe*, is yet, by reason of its own Internal Diseases and Convulsions, so weakened, that it is scarce able to defend it self. ['Nay, it is certain, if it were not powerfully assisted by its Neighbours, it is 'not able to defend it self against the *French*.] The principal Cause of this Impuissance and Weakness is its irregular and ill-compacted Constitution or Frame of Government. The most numerous multitude of men is not stronger than one single man, as long as every man acts singly by himself and for himself; all its extraordinary Strength is from its Union and Conjunction. And as it is not possible that many should join in one natural Body, so they may certainly be united into one Force, whilst they are governed by one Council as a common Soul. By how much the closer and more regular this Union is, so much the stronger this Society or Body is: But on the contrary, Weakness and Diseases ever follow upon a loose Conjunction and an ill-combined and irregular Union. A well composed Kingdom or Monarchy is certainly the most perfect Union, and the best fitted for duration or continuance; for as for *Aristocracies*, besides that, they can scarce ever conveniently subsist, except when the force of a Commonwealth is

Germany
weak by reason
of its irregular
Constitution.

Monarchy the
best and most
lasting Govern-
ment.

col.

Wherein the
Strength of a
System of States
consisteth.

collected into one single City, yet even then in their own nature they are much weaker than *Monarchies*; for the serene Commonwealth of *Venice* is to be reputed amongst the Miracles of the World. A *System* of many Cities united by a League, is much more loose in its conjunction, and may more easily be dissolved, (which is the Case of the States of *Holland*.) And here, that there may be some strength in these kinds of *Systems*, it is in the first place necessary, that the Associated Cities or States have the same form of Government, and be not overmuch disproportioned in their Strength, and that the same or equal Advantages may from the Union arise to every one of them. And lastly, It is necessary, in this case, that they have come together, upon well weighed and great Reasons, and associated upon well-considered Laws or Conditions; for they that unite in a Society rashly, and as it were in a hurry, without bethinking themselves very seriously what their future state shall be, can no more form a regular well compacted Society, than a Taylor can make a beautiful Garment after he has cut his Cloth all into Shreds and small Pieces, before he has resolved whether he will form it into a Man's or a Woman's Garment: And it has long since been observed, that *Monarchs* very rarely enter into a sincere friendship with * *Commonwealths* or *Free Cities*, though it be for a short time: And it is yet much more difficult

* The Leagues
between Kings
and Common-
wealths seldom
lasting.

to make a perpetual or lasting League, because all Princes hate Popular Liberty; and the People, or Popular States, do equally detest the Pride or Grandeur of Kings. And such is the Perverseness of Humane Nature, that no man doth willingly see one inferiour to himself in point of Power, live by him in an equal degree of Liberty; and Men very unwillingly contribute to the Common Charges, if they reap nothing, or but a very little Advantage from the Common Profit.

8. Now the State of *Germany* is so much the more deplorable, because all the Diseases of an ill-formed Kingdom, and of an ill digested *System* of States, are conjunctly to be found in it; nay, it is to be reckon'd as the principal Calamity of *Germany*, that it is neither a Kingdom, nor a System of States. The outward Appearance and vain Images represent the Emperor as a King, and the States as Subjects; and in the most ancient times he was without doubt a King, as he was call'd; after this, the Authority of the Emperor was from time to time diminished, and the Liberties and Riches of the States were encreased, till at last the Emperor had nothing but a shadow of the Kingly Power, as at this day it is, and seems liker the General of an Association than a King. From hence proceeds a most pernicious Convulsion in the Body of the

The Diseases of
Germany.

N Empire,

*The Princes and
the Emperor di-
strust each
other.*

*The States em-
broiled one
with another.*

Empire, whilst the Emperor and the States draw counter each to the other; for he, with might and main, by all waies, endeavoureth to regain the old Regal Power, and they, on the other side, are as solicitous to preserve the Liberties and Wealth they have got the possession of; from whence there must necessarily follow Suspicions, Distrust, and underhand Contrivances to hinder each others Designs, and break each others Power: The first effect of this is, the rendering this otherwise strong and formidable Body unfit to invade others, or to make any Additions to its own bulk by Conquest, because the States are not willing that any thing should be added to the Emperor's Dominions, and yet it is not possible to distribute it equally amongst them. And there are very many distracting Differences between the States themselves, on divers accounts, and this makes them less happy than a well-united System of States might be. The States are under different forms of Government, some of them being Princes, and the rest Free Cities, and these are intermixed one with another. The Free Cities drive, for the most part, a considerable Trade, and their Wealth excites the Envy of the Princes, but especially when a great part of their Trade and Wealth ariseth from any of the Princes Dominions. Nor can it be denied, but that some Cities, like the *Spleen*, have swell'd

swell'd too much to the damage of their Neighbour Princes, their Subjects being drained away, and their States impoverish'd to augment the Cities. The Nobility are apt to despise the common People, and they are as prone to value themselves on the account of their Money, and to undervalue the Nobilities old Titles and exhausted Dominions. Lastly, Some of the Princes look on these Cities as a reproach to their Government, and think their own Subjects would live more contentedly under their Command, if these Instances of Popular Liberty were removed, and all occasions of comparing their own Condition with that of their Neighbours in these Cities were taken away. From hence proceed Envy, Contemt, Mutual Insults, Suspicions, secret Contrivances against each other, all which Mischiefs are yet more manifest, and outrageously prosecuted between the Bishops and the Cities in which the Cathedral Churches are fixed: Yea, in the Diets the Princes do ever express a great Contemt of the Cities, but the Emperor, on the contrary, doth alwaies cherish and protect them, because he finds them more observant of his Orders than the other States. Nor do the Princes themselves bear that mutual kindness each to other they ought, especially the *Secular* and the *Ecclesiastical Princes*; the *Spiritual Princes* have the Preheminence or Precedence of the *Temporal*, on the account of the

Sanctity of their Office, and also because their great Experience in the World and Learning is supposed to make them better able than the Laymen to advise, which in the barbarous times begat them a great Authority in the State. But then the *Temporal Princes* are now very much concerned to see these Prelates, which are for the most part the Sons of meaner Families than themselves, in a few years time equal, yea, and mount above them, as if they had more of the *Grace of God than themselves*. They are yet more aggrieved, because these men cannot transmit their Estates to their Posterity, but their Families continue in the same estate it was before, but that many of these Holy Fathers have learned from the Pope to enrich their Kindred by Ecclesiastical Benefices and large Donations, out of the Revenues of the Church : On the other side, the Prelates have more reason to be offended with the Temporal Princes, who have intercepted and cut off so many of their old Preferments ; of which I shall say more hereafter. Besides all these that I have represented, the Inequality of their Estates and Riches is another Fountain of Discontent betwixt them : For first, as is common, the more potent condemn the weaker, and are but too apt to oppress them ; and the weaker are as ready to complain and suspect, and sometimes to boast unseasonably, that they are equally free with
the

the most powerful. The very exalting the *Electors* above the other Princes, is a great cause of Discontent ; whilst the other States are displeased at their Dignity, and charge them with usurping some things they have no Right to ; and the *Electors* as stily maintain what they have got as their Right and Due.

9. These would not be sufficient Principles of Disorder, if the most effectual active Ferment, which can possibly affect the Minds of Men, I mean the *Difference of Religion*, were not added to all I have mentioned, which at this day divides *Germany*, and distracts it more than all the rest. Nor is the diversity of Opinions and the commonly practised, excluding each other out of the Kingdom of Heaven, (as Priests of diverse and contrary Opinions use to do) the only cause of their mutual hating each other : The *Roman Catholics* charge the *Protestants*, That they have deprived them of a great part of their Wealth and Riches, and they (good men) are night and day contriving how they shall recover what they have thus lost ; and the other Party are as well resolved to keep what they have got : Nay, they think they have still too much, and that the Revenues of the Church, at this day, are a Burthen to the State, seeing the Priests and Monks depend upon another Head, who is no part of the *German Empire*, but a Foreigner, and an ever-

The Differences of Religion cause great Disturbances and Disquiet.

lasting Enemy to their Country, nay, to all the Laity in the World, which he would fain impoverish, that so his own Followers might flourish, and flant it with their Spoils. If he could bring this about, there would then be a State within the State, and an Head to each of them: And this, to those that love their Country more than the Church of *Rome*, seems the greatest Mischief that can betide any State. Nor is this a less Disorder than the last,

The Princes of Germany enter into Domestick and Foreign Leagues.

viz. That the Princes of *Germany* enter into Leagues, not only one with another, but with Foreign Princes too, and the more securely, because they have reserved to themselves a Liberty to do so in the Treaty of *Westphalia*, which not only divides the Princes of *Germany* into Factions, but gives those Strangers an opportunity to mould *Germany* to their own particular Interest and Wills, and by the assistance of their Allies, to insult on all the rest of the Princes, especially when the Design of those Leagues is not levell'd against other Foreign Princes, which might be born, but against the Members of the Empire. There are scarce any Footsteps or Trace of *Justice* neither left in the Empire; for if any Controversie arise between the States themselves, (which must often happen where there is such a number of them, and their Dominions lie intermixed one with another) if they commence a Suit in the Chamber of *Spire*, it is an Age before they

The want of Justice, another cause of Disquiet

they can hope to see an end of it. In that of *Vienna*, (the *Palace-Court*) there is too much Partiality and Bribery, and after all, it is suspected to think more than is fit of the Place it is seated in: So that in *Germany* men for the most part right themselves by their Swords, and he that is strongest, has the best Cause, and feareth not to do his own business. Lastly, How weak must that Government needs be, that has no common Stock or Treasure, nor any Army to resist the Invasions of Strangers, or for the acquiring some Provinces to bear the publick Charge. And how much better were it for *Germany* to spend her valiant men, who cannot live in Peace, in her own Service, than to have them, as they now do, run into foreign Countries, and there sell their Blood at cheap rates, to those who will employ them as mercenary Souldiers of Fortune.

*The want of a
Common Treas-
ure.*

10. There are also a vast number of Emulations and Controversies, between the Inferiour States and Princes, which do much weaken the strength of the whole Body. It will be enough for us here only to touch the principal of these Differences. The House of *Austria* has raised a Spirit of Jealousie and Envy in all the other Princes of *Germany*, by its long Possession of the Imperial Dignity, and the vast Dominions it has by that means acquired in the Empire and elsewhere: Besides the old Quarrel between the Houses of the Elector

*The Emulations
and Contests be-
tween the States
and Princes of
Germany.*

Palatine and that of *Bavaria*, there is a new one concerning the *Administration of the Publick Affairs during the Vacancy of the Empire*, which will hardly be determin'd, the one House relying on its Power, and the other on its Right. In the House of *Saxony* there is a Contest and Heart-burning between the Lines of *Ernest* and *Albert*, because the former stripp'd the latter of the Electoral Dignity, in the Reign of *Charles V.* The Elector of *Brandenburg* will never forgive the *Swedes*, for their usurping from him the best part of *Pomerania.* The Elector *Palatine* is hated by many of his Neighbours, on the account of some disputed Rights he claims in their Territories, so that very lately they were for Arming against him to recover them. And I cannot believe the memory of that old Controversie is extinguished wholly, which embroiled the Family of *Nassaw*, with that of *Hesse*, for the Territory of *Marpurg.* Nor will there ever be a sincere Friendship between the Elector of *Brandenburg* and the House of *Newburg*, (which, since our Author wrote, has succeeded in the Electorate of the *Lower Palatinate of the Rhine*) on the account of the Inheritance of the Dukedom of *Juliers.* Who can number now the smaller Controversies depending between them? The empty vain Contests about Precedence have kindled lasting Hatred in the Hearts of some of the Princes against each other. To this vast Inundation of Diseases in this
Poli-

Politick Body we may add (although of less consequence) the tedious Proceedings in all Civil Causes, by which the most manifest and apparent Right is disputed and deluded for many years : And the great variety of Monies which is current in *Germany*, which being neither of good allay or due weight, brings great damage to the Commerce or Trade of *Germany*, and sinks the value of the Estates of private men very sensibly. But then we are to ascribe the Luxury of some of our Princes, who being too much addicted to Hunting, take little or no care of their Estates and Subjects, more to the Men than to the Form of that State ; and we must grant, other States are as liable as *Germany* to these kinds of Miscarriages, and we see them suffer as much by it.

C H A P. VIII.

Of the German State-Interest.

*The Remedies of
these Diseases
enquired into.*

I Suppose by this time it is sufficiently shewn, how many and great the Diseases of *Germany* are ; to assign the Remedies is a Work of greater difficulty, and which will not become a Stranger and a Traveller. If the Humanity of the *German* Nation were not so great, that she is apter to trust and admire Foreigners than her own Natives. I hope too all wise men will easily pardon the innocent Freedom of a Man who has no Attachment to any of the contending Parties, and who, next the Prosperity of his own Country, wisheth nothing more than the Prosperity and Welfare of the honest *German* Nation. But before I discover my mind in this Affair, I think it is fit to consider the Remedies proposed by *Hippolitus à Lápide*, for the Cure of the *German* Calamities ; for though many men have admired his Prescriptions, yet I have ever thought they were ill contrived, and not likely to contribute to her Cure,

2. In

2. In the first place he prescribes Six Laws, which he calls the Interest of such a State, and saith, They ought carefully to be observed in a State like to that of Germany, that is, in an *Aristocrasie*, where the Supreme Sovereign Power is in the States, or great men, and nothing left to the Emperor, but the Pumps and Images of a King: So (said he) they ought, 1. To study the waies and means of Concord, and to avoid Façons. 2. Not to suffer the Imperial Dignity to continue long in any one Family, lest by the long use of these Pumps and Images, a desire of acquiring a solid and real Sovereignty should grow up in them. 3. Though the Power of directing and moderating the Offices of all the Parts to the Common Good is confer'd upon a Prince or Single Person, for the greater union of the Commonwealth; yet the Nobility ought alwaies to keep the Stern of the State in their own hands, and the Power of directing and ordering the things of great moment, to be exercised in the Diet, which ought to convene frequently; or at least they ought to appoint some Senate or Counsel, which shall be perpetual; which kind of Regiment was in use in the beginning of the last Age before this. 4. That nothing but the Ensigns of Royalty be left to the Prince, but that the Regal Jurisdiction and Power be reserved entire to the Commonwealth. 5. That neither the Life, Fortunes, or Fames

The Remedies of Hyppolitus à Lapide examined.

Six Rules by him prescribed to the Princes of Germany.

Fames of any of the Princes be trusted to the single Justice or Discretion of the Emperor. 6. That neither the Army, Militia, or Forts, be under his single Jurisdiction or Government. After this he takes great pains to shew in how many particulars these Laws are violated by the Emperor, and some of the States themselves, being very sharp in his Reflections on the House of *Austria*, and on some also of the Electors. Now, though these Laws were not wholly to be despised, yet seeing I have above sufficiently proved, that *Germany* is no *Aristocrasie*, it is a folly to think the Safety of *Germany* is only to be found in the observation of these Laws.

*Six Remedies
prescribed by
that Author
rejected.*

3. The same Author prescribes Six Remedies for the curing all the Diseases of *Germany*. 1. He recommends the Study of Concord, and a General Pardon, and a removing all Grievances by which mutual Hatreds are kept alive and nourished in the minds of the Princes against each other; and that they should not divide into Factions on the account of Religion, and for that cause neglect the Publick Safety. This Remedy affords a Copious Subject for a Scholastick Declamation, but can never be applied to the use of *Germany*, till all the Nobility of that Nation happen to be wise and good, and to govern the Motions of their Minds by Rules of Philosophy. 2. In the next place, he would have the House of

of *Austria* extirpated, and their Estates brought into the Common Treasury. Now this is the Advice of a Hangman, and not of a Physician: As if every one that happeneth to be a little too rich, for his Neighbour's advantage, were presently to be rooted out and destroyed from off the face of the Earth: But suppose we should obey the Tyrannical Law, who will dare to lay the Ax to the Root of a Tree, which has spread its Branches over so many Provinces, so that it is not for the Interest of *Europe* to have all its Territories added to those of any one or two other Princes? Besides, a part of the Princes of *Germany* are heartily united in their Interest and Affections to this House; a great many of the rest neither love nor hate it; and the rest of the Princes, when united, are not able to overthrow that vast Fabrick. They must then call Foreigners to their assistance, and who, I pray, but the *French* and *Swedes*? For when *Hippolitus* wrote this Book, those Nations were zealously at work to do this, and the Ignorant much applauded them, because they craftily pretended to defend the *German* Liberty, which was oppress'd by the House of *Austria*. But was it civil to expect they should take so much Pains, and spend so many Men, and so much Money for nothing? Nor was there to be found any Lord Treasurer; who would faithfully bring this Prey into the Treasury; wise men more rationally conceive,

ceive, that if they had prospered in their undertakings against the House of *Austria*, the Princes of *Germany* would have been forced to take up the old Complaint of *Æsop's* Froggs, who instead of a *Block* had got a *Stork* for their *King*: And when the House of *Austria* had been ruined, *Germany* must have had an Head, and therefore our Author would have another Emperor elected, whom from his common Place-book he adorns with the attendance and splendor of all the Virtues, only that he might be trusted with an empty Title, being destitute of all Regal Power, and appointed to be a meer Director and a Magistrate. Now, there may be some use of such a President or Director in some *Aristocratick* City, where the Nobility all live within the Walls of the same Town: But as for *Germany*, if he would have spoke his mind out, he ought to have said, that it has no need of any Emperor. Our Author, after all, has taken care to add as much to the Exchequer of his Emperor, as he has taken from his Power. It was great pity so great a Prince, so virtuous a Man, should live in want. But yet the Dominions of the House of *Austria* were to be employed as the Patrimony of the Empire, and if this was not sufficient, then he would needs have the Electors restore what had been given them by *Charles IV.* But in the mean time, this Learned Gentleman seems to know nothing of the nature

ture and temper of Mankind, who thinks that a Prince who is possessed of so much Power as these are, will in the turn of an Hand be contentedly reduced to the state of a private Gentleman ; and when the House of *Austria* is once dead and buried, these Electors will be much less disposed to part with what they have possessed above 300 years ; for besides that, Princes are so dull, that they cannot possibly understand the Doctrine of their Confessors, when they prate to them about restoring ill-gotten Estates ; the Electors have here something to say for themselves against all the other States ; for I will suppose that very many of them must return to very mean Cottages or Country-houses, if they be equally bound to give an exact account how they and their Ancestors got what they now enjoy ; and therefore 'tis but just, that all men should possess what they and their Predecessors have a long time possessed. In the 4th. place, *Hippolitus* would have a mutual Confidence restored amongst the States and Princes, and all Distrust eradicated ; which, he supposeth, would certainly follow, if all Grievances and Injuries were taken away by a friendly Composition ; and he thinks the greatest part of these Jealousies have arisen from the different Religions professed in the Empire. Now, when these things had been considered in the first Article, what need was there to repeat them here ? What he
further

further faith of settling the Civil Government, of taking away the Chamber at Vienna, of maintaining a considerable Army in perpetual Pay, of settling a Revenue for the Army and War, of employing the Annats to that purpose, shall all of them be considered in the following Sections.

*The Author's
own Remedies
proposed.*

4. It is time now to produce our own Remedies, that it may be tried, whether we are more fortunate in discovering what may abate the *German* Fever, and please them too at the same time. I know proffered Advice is seldom well relented, and wise men would never counsel any man to offer unasked Remedies to those that are sick, because they that are invited and hired too for that purpose, are often forced to endure the Reproaches of their angry Patients. Private men do very rarely meet with any other Reward than that of Contempt and Scorn, when they presume to give Advice to those that govern others; besides, they will ever pretend, when the Disease is once found out, it is very easie to discover the Cure also. Yet after all, lest this small Piece should end abruptly and imperfectly, I will here subjoin a few things; I lay this as a Foundation to all I shall propose, viz. *That the depraved state of Germany is become so inveterate and remediless, that it cannot be reduced back to the state of a Regular Monarchy, without the utter Ruin of the Nation and Government.* But then, seeing it comes very near to the
state

state of a *System of several Independent States* The German
united by a League or Confederacy, the safest Government
course it can possibly take, is to follow nearest to a
those methods which the Writers of Po- System of States
liticks have prescribed for the well-govern-
ing such Societies, the first of which is,
That they should rather be solicitous to
preserve their own, than think of taking
any thing from their Neighbors. Their
next greatest care is to preserve Peace at
home; and to that end it is absolutely ne-
cessary to preserve every one in the Pos-
session of his own Rights, and not to suf-
fer any of the stronger Princes to oppress
any of the weaker, that so, though they
are, as to other things, not equal, yet in
the point of Liberty they may be all equal
each to other, and alike secured; that all
old out-dated Pretences should be buried
in eternal forgetfulness, and every one for
the future be suffered quietly to enjoy what
he now possesseth. That all new Contro-
versies which may happen to arise, should
be referr'd to the Arbitrement of the other
Alies in the League, who are neither byas-
sed by Love nor Hatred; and those that
refused to submit to their Judgment, should
be compell'd to do it by all the rest of the
Confederates; and if it be thought fit to
appoint a Prince over this System, great
care must be taken, that he doth not take
into his Hands, or pretend at least to a
direct Sovereignty over them. That the
best way to prevent this, is to take care
O that

that neither the strong places nor the Souldiery may depend on that Prince. That he is not only to be bounded by certain and accurate Laws in his Administration, but a perpetual Council to be assigned him, which may represent the States, and govern those Affairs with him, which every day happen in the Administration of the Publick Affairs, according to the Laws enacted in the Diets. That all Foreign Affairs, which concern the whole Body of the Empire, should be likewise committed to this Council, who shall give an account of them to their Principals, that at last they may be determined by the general Consent of all the Parties; and when any difficult Affairs arise, let this Council have a Power to summon extraordinary Diets, which to the end they may be held with the less expences, and dispatch business the more quickly, there ought to be a new and more certain form of Proceedings thought of: But then it doth not seem very probable, that the Family of *Austria* will suffer such a Council to be introduced, because they will ever labour to keep their Power above controul. Nor will the Present State of *Germany* permit the transferring the Imperial Dignity into another House, as long as there is any Male in that of *Austria*; therefore their Modesty is to be wrought on, to perswade them to be content with their present Grandeur, and not to labour to establish a Sovereign Au-

*The Empire
cannot be trans-
ferred to another
Family.*

Authority over the rest of the States and Princes ; and it will become the Princes manfully , and with united Hands and Hearts, to oppose and resist all such Encroachments, which tend to their prejudice, and in the first place, to take care that none may league with one another, or with the Princes of the Empire, against any of the Members of it ; and if they do so, to render all such Combinations ineffectual ; and if any Princes have any Controversie with each other, to take all the Care is possible, that *Germany* may not be by that means involved in a War : But in the first place, Care ought to be taken, that Foreigners may not intermeddle with the Affairs of *Germany*, nor possess themselves of the least Particle of it ; to that end all waies that are possible are to be considered, that they that border on *Germany* may not have the opportunity of enlarging their Kingdoms. which they so passionately desire, by ravishing its Provinces from it one after another, till their Conquests, like a *Gangreen*, creep into the very Bowels of the Empire. If any thing of this nature happen to be attempted, let *Germany* presently take the Alarm, provide her Defences, and seek the Alliance and Assistance of those whose Interest it is to keep any one Kingdom from mounting to too great and exorbitant a Power ; and then, as long as *Germany* is contented with the defending what is her own, she will

have no need to maintain any very numerous Armies, yet she ought in due time to concert the Numbers that every one shall send, in case of necessity: And *Germany* may, from her Neighbour the *Swedes*, learn the methods of maintaining an Army in the times of Peace with small Expence, which yet shall be ready when occasion serves, at short warning, to draw into the Field for her defence.

*The Opinions of
some great men,
concerning the
different Reli-
gions in Ger-
many.*

5. Now it were very easie for wise and good men to find out all I have said, and all besides which can be necessary for the Safety of *Germany*, if they pleased calmly to apply their minds to it, who have the chief hand in the Government: But then, seeing the greatest part of the World think the Differences of Religion the principal Causes of the Distraction and Division of the Empire, it will well become the Liberty I have taken in this piece to shew what wise men have said of this thing in my company; for I am not so well acquainted with Church-affairs, as to interpose my own Judgment, and therefore I think it will be less liable to Exception, to represent the Thoughts of others than my own, which I submit, &c. When I was once at *Cologne*, with the most Reverend and Illustrious *Nuncio* of the *Holy See*, to pay him my respects, I happened to say, That I could not understand the true reason of the great Dissentions in *Germany*; on the Subject of Religion, whereas in *Holland*, where

where I had lately been, there was no such thing, and yet there men had the utmost liberty to think and believe as they themselves pleased, for there every man was intent upon his own Trade and Business, and not at all concern'd of what Religion his Neighbour was. Upon this an Illustrious Person, who had spent a great part of his Life in the Courts of several Princes, but was now retired to live a very private life, begged the *Nuncio's* Leave to speak his own mind freely, which being granted: 'Since (said he) that travelling Gentleman has mentioned a thing I have very long and seriously thought on, I will now discover what I take to be the most probable cause of this thing, we being now at good leisure, and I am well resolved not to approve my own former Thoughts on this Affair, if your *Emi-*
nence should happen to dislike them. After this beginning, at a distance from our present times, he shewed how many Heresies had, from the beginning, afflicted and distracted the Church of Christ, the greatest part of which, in process of time, vanished of their own accord; but then there had hardly happened any *Schism*, that had spread so far, and ruin'd so many private Families and whole Kingdoms as this, which in the last Century arose here in *Germany*, and was occasion'd by some few Doctors of that Nation: There were great Wits on both sides, and
 O 3 they

‘they contended against each other with
 ‘the most furious Passions, and to this
 ‘day there is not the least hope of putting
 ‘an end to this Quarrel. It is to no pur-
 ‘pose to enquire into the secret causes of
 ‘this Affair, as far as Fate or Providence
 ‘are concern’d; but it will not misbecome
 ‘my Profession, to discourse of the Nature
 ‘and Temper of Mankind.

Contempt and
 Loss exaspe-
 rates men great-
 ly.

6. ‘It is (saith he) apparent, that two
 ‘things above all others exasperate and
 ‘enrage the Minds of Men, *Contempt* and
 ‘*Loss*. As to the first of these, I would
 ‘not be understood here to speak of that
 ‘Contempt by which the Reputation and
 ‘Good Name of a Man is directly op-
 ‘pressed and trodden under foot, but of
 ‘that which every ordinary man thinks is
 ‘thrown upon him, when another shall but
 ‘presume to differ from him in any thing;
 ‘for the Minds of Men are generally in-
 ‘fected with this foolish and unreason-
 ‘able Distemper: And it is hateful to
 ‘them, to find another disposed not only
 ‘to contradict, but even to disagree with
 ‘them in any thing; for he that doth not
 ‘presently consent to what another saith,
 ‘doth taciteiy accuse him of being, as to
 ‘that particular, in an Error; and he that
 ‘differeth in many things from any man,
 ‘seems to insinuate that he is a Fool.
 ‘This Disease haunts the sedentary part of
 ‘Mankind, above all others, who are edu-
 ‘cated in the Schools, and wholly taken up
 ‘with

‘with solitary Speculations, and consequent-
‘ly not overwell acquainted with the *World*.
‘He that shall not reverence all this me-
‘lancholy man has embraced as an Oracle,
‘is presently his deadly Enemy. Nor was
‘the War between the *Romans* and *Cartha-*
‘*ginians*, for the Empire of the World, ma-
‘naged with greater heat than that which
‘we have seen between some of the Lear-
‘ned World, about some few Syllables or
‘small Distinctions. An equal, nay, a grea-
‘ter Fury has taken possession of the Church-
‘men, (the *Nuncio* having in the beginning
‘of his Discourse promised him the utmost
‘Freedom.) ‘For whilst every Sect of them
‘believes it has God on their side, if any
‘man differeth from them in any thing,
‘besides the affront offered to their Autho-
‘rity, they are for accusing him forthwith
‘of Impiety, Contempt of the Heavenly
‘Truth, Obstinacy, and Unwillingness to
‘be brought over by another from a ma-
‘nifest Error: And yet, in the mean time,
‘it is a wonder, that they which pretend to
‘teach others the utmost Clemency and
‘Goodness of the Christian Religion, should
‘not observe what horrid Passions they car-
‘ry about them. Or, let them shew me
‘some other sort of men, more ambitious,
‘covetous, envious, angry, stubborn, and
‘selfish than they, if this is possible, who
‘so soon as ever they meet a man that
‘differeth a little from them, presently damn
‘him to the Pit of Hell, and will not suffer

God himself to reverse their outrageous Sentence. But then, for men to be a little more than ordinarily warm, when they find their beloved Wealth like to be diminished, that (*though not often mentioned for good Causes*) is not altogether so irrational.

*The Tempers of
the Three Reli-
gions in Germ.*

7. But for the more accurate knowledge of the Causes of our Dissentions, it is necessary here to make a close reflection on the Tempers of the three Religions which are now allowed a publick Liberty in *Germany*; I shall not trouble my self with a curious Enquiry how well each of them can prove their respective Doctrins by the Authority of the Sacred Scriptures, because we are only allowed the use of them for the Improvement of our private Piety, and so are not allowed to suppose we can understand them, and are besides bound to think our Church loves us too well to destroy us by false Doctrine; yet we may be allowed to see and consider how far the way they teach us of going to Heaven will agree with our other Temporal Interests; for I cannot think the Deity ever intended his Worship should embroil and disquiet the World. That therefore I may begin regularly, I will consider the *Lutherans* in the first place, because they first deserted our Holy Roman Catholick Church: And I say, I could never yet find any thing in their Doctrine which was contrary to the Principles of Civil Prudence and Govern-
ment:

*The Temper of
the Lutherans
considered.*

ment: The Power they ascribe to Princes, for the governing Religion, is indeed not so favourable to the excessive Grandeur of the Priests; so where it has prevailed, their Wealth is little, but the Commonwealth has the benefit of that Abatement: The People are taught by them to reverence their Magistrates and Princes, as the Ministers of God, and that all the good works expected from them, is to do the Duties of Good men: Nor am I displeased, that they have retained so much of the Ceremonial Part and the Pomp of Religion, which serves to divert the minds of the People, who have not sense enough to contemplate the Beauty of simple undress'd Piety: So that though their Religious Mysteries are not adorned to the frightful height of Superstition, yet they are in a decent and grave Dress, and adapted to teach Mankind, that the Divine Wisdom and Power is able to effect that which we are not able throughly to comprehend; the very Rusticity and Simplicity that appears in the Professors of that Religion, and which is so much blamed by some, is to me a sign and a testimony of their Sincerity and Uprightness: So that as it is not possible to imagine a Religion that can be more serviceable and useful to the Princes of *Germany*, than that of the *Lutherans*, we may from hence conclude, that this is the best for a *Monarchy* of any in the World. And if *Charles V.* had

The Temper of
the Calvinists.

‘ had not been diverted by the considera-
 ‘ tion of his other States and Kingdoms,
 ‘ he must, as Emperor of *Germany*, have
 ‘ been thought blind and impolitick, in not
 ‘ taking the opportunity the Reformation
 ‘ offered him, to enrich the Patrimony of
 ‘ the Empire, when so many of the Prin-
 ‘ ces and Free Cities had before shewed
 ‘ him the way, and would very gladly have
 ‘ permitted him to have shared in the Prey,
 ‘ and the People were generally so taken
 ‘ with their new Preachers, that he needed
 ‘ not to have feared them. As to the
 ‘ *Calvinists*, or *Presbyterians*, it differeth very
 ‘ little from the *Lutheran*, but only in their
 ‘ great Zeal for sweeping out all the Roman
 ‘ Catholick Rites and Ceremonies with the
 ‘ Dust of their Churches, and in a design
 ‘ to new-polish the *Lutheran Doctrine*, and
 ‘ to make it more subtle; neither of which
 ‘ Intentions are accommodated or suited to
 ‘ the Minds of the meaner People, for they
 ‘ are apt to fall asleep, when the whole
 ‘ Service of God in publick is reduced to a
 ‘ *Psalm* and a *Sermon*; and when it is once
 ‘ made a fashionable thing, to have the
 ‘ meanest of men exercise their Curiosity
 ‘ upon the most Sacred Parts of Religion,
 ‘ the most perverse and ignorant will soon
 ‘ catch the Itch of Innovating and Inven-
 ‘ ting, and when they have once started a
 ‘ new Opinion, they will persist in and de-
 ‘ fend it with invincible stubbornness: yea,
 ‘ some of them have fallen into lamentable
 ‘ Fol-

' Follies, and with them it was a great Sin
 ' to have a comely Head of Hair: And it
 ' has long since been observed by wise men,
 ' *That the Genius of this Religion is purely De-*
 ' *mocratick, and adapted to Popular Liberty and*
 ' *a Commonwealth:* For when the People once
 ' are admitted to a share in the Govern-
 ' ment and Discipline of the Church, it
 ' will presently seem very unreasonable to
 ' them, that one Prince should without
 ' them govern the great Affairs of the State.
 ' These two Religions having spread them-
 ' selves over a great part of *Germany*, by their
 ' mutual Enmity each to other, gave Op-
 ' portunities to the *Roman Catholicks* to de-
 ' stroy them both. Now what Reason can
 ' any man assign for this, but the Perverse-
 ' ness of their Ministers, who were on both
 ' sides more concern'd to maintain their
 ' Reputations than their Doctrine, and they
 ' thought that they should certainly much
 ' sink in the esteem of Men, if they should
 ' tamely submit their Judgments to such as
 ' explained things better than they could,
 ' or taught them more Humility and Mo-
 ' desty than they had occasion for? For
 ' as for these two Parties, there is no Con-
 ' test between them, which is attended with
 ' any Gain or Loss, it being equally mis-
 ' chievous to both of them, to be forced
 ' again to submit to the Church of *Rome*.
 ' And therefore seeing the Ministers could
 ' never be perswaded to sacrifice their Ob-
 ' stinacy to the Peace of the Publick, it had
 ' been



*The extent of
 these two Reli-
 gions.*

*The Differences
 destructive.*

'been the Duty of the Princes, by degrees
 'to have laid these Controversies asleep,
 'not by violent methods, (which common-
 'ly exasperate Dissenters) but by oblique
 'ways and Artifice: For if Princes, in chu-
 'sing their Ministers, would for the future
 'not regard the Names of Mens Parties,
 'but the Abilities and Endowments of their
 'Minds; and if the Subjects were inured
 'to bear an equal regard to both the Reli-
 'gions; if the Ministers were forbidden all
 'Disputes in their Sermons, and especial-
 'ly to anger the opposite side by sharp
 'Reflections; and none were suffered to
 'teach in the Schools but moderate and
 'prudent men, I doubt not but, in a few
 'years, all these Debates would end of
 'themselves: But I believe, at the same
 'time, he would deserve very ill of the
 'Church of *Rome*, who should give this
 'Advice to her Enemies. ['And I be-
 lieve this Advice would certainly end in
 the ruin of the Reformation in *Germany*;
 for by that time any Parish had been *Lu-
 theran* and *Calvinist* in their Worship by
 turns, two or three times backward and
 forward, as the Ministers changed, they
 would care for neither of them, but di-
 vide and hate each other mortally; some
 would persist in one way, and others in
 the other, and the major part would think
 this fickle unconstancy in Religion an Ar-
 gument of the uncertainty of it, and with-
 out ever enquiring which were the best, re-
 ject

As Addition.

ject both, and sit down in Atheism. Were the difference only in point of Doctrin and Speculation, like that of Predestination amongst us, both Parties might be tolerated ; but different waies of Worship can never be allowed in the same Congregations without Heart-burning Envy, Hatred, and Detraction, which would break them into Factions at first, and at last destroy all Religion, the Modes of Worship being visible, and extreemly loved or disgusted.]

‘ 8. But now the Temper of our *Roman* The Temper of the Roman Catholicks. Catholick Religion is extreemly different from these new Religions ; for their Clergy own themselves the Servants (Ministers) of the Magistrates and People, that their Souls being by their Care and Pains endowed with good holy Principles and Manners, they may, after Death, be fitted to be translated into Eternal Life: In the mean time, the great Care of the Roman Catholick Priests is spent in enlarging their own Wealth, Power, and Authority, and not in forming the Minds of the People committed to their Care to Piety and Honesty. And in truth, I have a great while admired the Folly of our Priests, in pretending to decide the Controversies depending between them and the Protestants, by the Sacred Scriptures, when they might have taken another course, that for certainty and plainness would have been equal to a Mathematical Proposition : For if, according to the Use and Custom of
‘ the

' the Church of *Rome*, the great design and
 ' principal end of all Religion be to pro-
 ' mote the Riches and Authority of the
 ' Priests, our Adversaries are mad if ever
 ' they write one word more in a Contro-
 ' versie that has spent such innumerable
 ' number of Tuns of Paper, to no purpose.
 ' For example sake, let us propose a few In-
 ' stances. It is pretended the Sacred Scriptures
 ' are very obscure, and all Laymen are for-
 ' bidden to read them on that pretence, that
 ' so the Priests may have the sole Power
 ' of interpreting them, and that the Lay-
 ' men may not from thence pick out any
 ' thing that shall be contrary to the Priests
 ' Interest. *Traditions* are added to the Sa-
 ' cred Scriptures, that if any thing has hap-
 ' pened to be omitted in the Scriptures,
 ' which is necessary to the former great
 ' Design, it may from thence be convenient-
 ' ly supplied: Nay, that whole Religion is
 ' adorned with so many gaudy Ceremonies,
 ' that the Splendor and Pomp of them, as
 ' well as the excessive number, may amuse
 ' the Minds of the common People, that
 ' like men in an amazement and wonder,
 ' they may never so much as think on so-
 ' lid Piety. To leave the remission and
 ' forgiveness of Sin only to God, were a
 ' thing that would yield no profit to the
 ' Priest, and therefore the Priests challenge
 ' that, and know wondrously well how to
 ' improve it to the best advantage, for they
 ' will not dispense so profitable and gainful
 ' an

' an Office, upon a general Confession, to
' a whole Congregation at once, and then
' be contented with some mean Present or
' Salary, as the Parties concerned shall free-
' ly give : No, they have taken order there
' shall be an exact Enumeration of Sins, and
' the Taxing them is then left to the Dis-
' cretion of the Priest ; and now, if the
' Party confessing is rich, Paradise will go
' at a good price, though the Sins be free-
' ly remitted, as they pretend ; for, Who
' can be so hard-hearted, as not to give
' liberally to so good a Father ? And if the
' Party is poor, then the Priest will exer-
' cise his Ghostly Authority with the grea-
' ter severity. And in the mean time, what
' a vast Advantage it is to the Church and
' Clergy to know all mens Secrets ? And
' who would not revere the Master of his
' Soul and Heart ? And in short, the Wit
' of Man can never invent a thing that shall
' turn more to the Gain and Authority of
' the Priests than the *Mass* ; for, Who can
' deny the man that performs this saving
' Office a good Reward ? And who can
' forbear worshipping him that can by a se-
' cret whisper produce so venerable a Vi-
' ctim or Sacrifice ? It is fit to deny the
' Laity the use of the Cup to the utmost
' extremity, that they may think the Church
' never did, or can err. The number of
' the Sacraments was not encreased for no-
' thing, but to the intent men might the
' oftner need the assistance of their Priests.
' Who

' Who can tell what profit the Ecclesiasti-
 ' cal Courts have drawn from Matrimonial
 ' Cases, all which have been brought un-
 ' der their cognizance, only on the pretence
 ' Marriage was a Sacrament? Yet one
 ' would think married men should under-
 ' stand all these Cases full as well as they.
 ' The vast Force they ascribe to the Merit
 ' of Good Works, as it excites, like a Spur,
 ' the ambitious and vain-glorious Piety of
 ' Men; so on the other hand, they have
 ' craftily taken care to give us such a Cata-
 ' logue of Good Works, as for the most part
 ' tends to the enriching of the Clergy, and
 ' doth most incomparably well agree with
 ' the rest of their Theological System. Nor
 ' can I think the Fire of *Purgatory* was
 ' kindled for any other purpose, but only
 ' to lay, on that pretence, a Tax upon those
 ' who by Death had escaped all other Ju-
 ' risdictions, (and to make the separate Souls
 ' a Merchandable Commodity, which was
 ' never dreamt on before.) The Invocation
 ' of Saints encreaseth very much the Gaity
 ' of their Religion, and the Authority of
 ' their Clergy, who by their Vote advance
 ' whom they please to be Nobles in the
 ' Court of Heaven. To add more to those
 ' who so well know them, were troublesome
 ' and needless; and in truth, whoever tries
 ' the whole by this Rule, will see this was
 ' the only thing that all is levell'd at,
 ' The *Hierarchy* or *Ecclesiastick Commonwealth*
 ' or *Government*, as they have ordered it, is a
 ' won-

wonderful artificial Contrivance, so compacted, so knit, closed, and fixed together, that I think I may truly say, since the Creation of the World, there never was any Politick Body so well formed and disposed, and which had such strong Foundations as this has; for it is form'd into a most exact Monarchy; and the King of the Priests has an Authority given him equal to that of God. This Vicar of God cannot err; and administheth the Function of a Turn-key to the Gates of *Heaven* and *Hell*, with an Authority above controul, and from which there lies no Appeal. And in the better and more fortunate Ages of this Church, it was most firmly believed too, that this King was the Disposer of all Kingdoms; that he could depose Kings, and set others up in their steads; but now, alas! the new Doctors have so traduced this most useful Doctrin, that it is become hateful and invidious to the very Catholick Princes themselves, and they are fain, in some Kingdoms, to deny they ever taught any such thing: And because the Majesty of this King depends only on the Opinion of his Sanctity, they have wisely contrived, that it should pass by Election, for fear this Royal Blood should degenerate, and that this Throne may ever be filled with a person free from the defects of Youth, and to the end he might be more intent upon the Good of the Church,

P

than

The reason of
inventing the
Jesuits Order.

‘than the enriching his Family. For this
‘last reason they have denied Marriage to
‘all the Members of this Society (the
‘Priests and Clergy) that their Family-con-
‘cerns might not divert them, (or Wife
‘and Children make them subject to the
‘Wills of their Princes.) The multitude
‘and variety of their Religious Orders is
‘very great, that there might be many in
‘every place, to take care of their Affairs,
‘and spread their Nets, and bait their Hooks
‘to catch the Estates and Goods of the
‘Laity. Nor has any Temporal Prince in
‘the whole World so great and profound
‘a Respect and Obedience paid to him
‘by all his Subjects, as this Ecclesiastick
‘Monarch; and although there are many
‘furious Emulations between his Subjects,
‘yet the *Pope* wisely takes such care to
‘moderate and govern them, that they ne-
‘ver bring any Damage or Disturbance to
‘his Kingdom. Thus all the old Orders
‘look very discontentedly on the new com-
‘pany of the *Jesuits*, because it has much
‘abated the Esteem they enjoy’d before;
‘for after this wanton Age would no lon-
‘ger be bridled by the simple ignorant
‘Sanctity of the Monks, that holy Society
‘was invented, to the great good of the
‘Church, which at first with great Art sup-
‘ported this falling Fabrick, by undertaking
‘the Instruction of Youth, Confession of
‘Penitents, and a cunning Scrutiny into the
‘Secrets of all men. So that many think
‘all

all that *Job* hath said of the *Leviathan*,
may, in a mystick sence, be very aptly
applied to this Priestly Empire : No doubt
can reasonably be made however, that the
Religion is the very best of all others
which heaps most Riches and Honours
on all its Votaries, and is furnished with
the best means of shearing the Sheep to
the very Skin, and at the same time keep-
ing them as quiet, and more obedient than
those that have all their Wool left on
them to keep them warm. I think by
this time I have sufficiently proved, that
they have hitherto managed the Disputes
between the Catholicks and the new Tea-
chers very ignorantly ; for these Catho-
licks have ranged their Antagonists a-
mongst the Hereticks, and raised brutish
Cries against them in all places, that they
ought to be extirpated by Fire and Sword,
by which they have made all sincere and
heartly reconciliation desperate and impos-
sible. This has again forced the Here-
ticks to take the utmost care for their
own safety and security ; and when they
had once possessed the Laity with a Suspi-
cion of the Priests Sanctity, it was a very
easie step, by shewing them the Priests
Wealth would be their reward, to draw
them on their side, and engage them to
be their Defenders : But if at first their
Brains had lain right, there might have
been means found out to have sweetned
the Minds of the Laity, before they em-
braced

'braced that side; and that small *Saxon*
 'Monk (*Luther*) might more easily have been
 'won to a reconciliation with the *Pope*, by
 'presenting him with a good fat Benefice,
 'than by all the Thunders of the *Vatican*,
 'the force of which, by the distance of the
 'place, and the coldness of the *German* Air,
 'was so much abated, that by that time
 'it reached the Monk, the noise, the heat,
 'and the terror of it was wholly lost. And
 'on the other side we cannot enough ad-
 'mire the folly of the modern Protestant
 'Doctors, that they should, without blush-
 'ing, persuade those of the Church of
 'Rome to leave their present state, and re-
 'nounce all their vast Wealth, and to come
 'over to them, that they may there be re-
 'duced into the mean condition of the vul-
 'gar people, and work hard for a Living,
 'or starve: For they have some reason for
 'what they say, when they offer the Lay-
 'people more Liberty, and the Princes the
 'Spoils of the Priests. Yet to give the
 'Roman Catholics their due; after the Ter-
 'ror of the first Defection, and the Heat
 'of the first Reformers was abated, they
 'recollected the Remains of their broken
 'Forces with all the Industry and Care that
 'was possible; and they have ever since
 'managed their affairs with more order and
 'subtily than the Reformed have theirs;
 'for, to the best of my remembrance, in
 'this present Century none of our *Roman*
 'Catholic Princes have become Protestants,
 'but

‘ but some of theirs have returned into the
 ‘ Bosom of our Church ; [*Christina Queen* *An Addition.*
of Sweden, the House of Newburg now Ele-
ctor Palatine, and James II. late King of
Great Britain.] This Gentleman was going
 on, when the *Pope's Nuncio* put an end to
 his Discourse, by saying, Sir, you have suf-
 ficiently shewed us what Skill you have in
 Church affairs, and were you to preach these
 things in the publick, you would seldom want
 Auditors and Approvers, though I think the
 Protestants would not approve of them. Then
 looking upon me, he said, It was not con-
 venient to have thus on a sudden admitted this
 Lay-Gent. to the knowledge of a Secret which
 many thousands make it their business to conceal
 from the most cunning and accomplished Men the
 World has.

9. These things were once discoursed *Some Consider-*
 with this liberty I have represented them, *rations on the*
 in the presence of the *Pope's Nuncio*, who *excessive Reve-*
 seemed to approve the Candour of this old *nuues of the*
 Minister of State, and gave me such encour- *Church.*
 age and insight into things, that from
 thenceforward I became less scrupulous to
 converse freely with men of the contrary per-
 swasion, whose Hearts are more open than
 those of our own party are. Not long af-
 ter, I met with a man who was well ac-
 quainted with the *German Affairs*, and seem'd
 not very averse to the *Protestant Religion*,
 (which I speak by way of Apology for
 what I am going to relate, that you may not
 think I do approve of all he said) and giving

him by chance an account of what I had heard in the fore-recited Conference, he began a little higher, and added, ' That in a well-constituted Government there ought to be some men set apart, for the celebration of the Holy Offices of Religion, who ought to have no other Employment, and yet should be competently maintained. That it was also fit, that Churches should be built on the publick charge, whose external beauty and magnificence might create in the Minds of Men an awful regard to Religion, for the kindling the Devotion of the Common People. But then I think no wise man will deny, that those men who are no way necessary to the Service of God nor employed in his Worship, ought not to be called or thought Churchmen, or of the Clergy, and that what was employed in the maintaining such men, has nothing of Sanctity in it. But in *Germany* the Clergy were so vastly enriched by the liberality of the old Emperors, the Princes, and the Common People, that one half, if not more, of the *Lands* of that *Nation* was in their hands, which was never heard of in any other; and an innumerable shole of lazy useleſs men made it their business to live upon and devour this vast Wealth; which was neither agreeable to the Rules of the Christian Religion, nor of sound Policy. The Holy Scriptures do indeed command us to provide decently and liberally for the

' the Clergy, and that we should not muz-
 ' zle the mouth of the Ox that treadeth
 ' out the Corn; but then they never give
 ' that name to those who have no share in
 ' the Ministry of the Church: Nor do they
 ' any where exempt the Persons of the
 ' Clergy, or their Revenues, from the Ju-
 ' risdiction of the Civil Magistrate, or dis-
 ' able them to attemperate the same in such
 ' manner as may be consistent with the
 ' Publick Good. And your * *Venetian* Re-
 ' publick understands none better, that the
 ' Revenues and Riches of the Church are
 ' not to be excessively encreased to the
 ' damage of the State, and she has accor-
 ' dingly wisely put a stop to that leak, the
 ' Pope and Court of *Rome* opposing her
 ' in this Design in vain, and without any suc-
 ' cess. In truth, she saw her self wasted by
 ' this means, and as it were brought into a
 ' Consumption, whilst her Riches and Lands
 ' were engrossed by a sort of men who ac-
 ' knowledge no Authority but that of an
 ' Head without their State, and pretended
 ' at the same time they were exempted by
 ' the Divine Laws from contributing to the
 ' publick Burthens. As to the number of
 ' Bishops, *Germany* has no reason to com-
 ' plain, except that, considering the extent
 ' of the Nation, they are too few to dis-
 ' charge their Office as they ought, if they
 ' were otherwise well disposed to do it:
 ' But to what purpose serves the vast Re-
 ' venues belonging to these few Sees? You

* The Author
 pretends to be a
 Venetian.

' will perhaps say they are Princes of the
 ' Empire, as well as Bishops, and take their
 ' share in the Care of the State with the
 ' other Princes: Why then let them abstain
 ' from the Sacred Title of *Bishops*, because
 ' that holy Office is inconsistent with the
 ' vast burthen of secular business, which is
 ' necessarily attending on the Office of a Se-
 ' cular Prince; let them lay by the first;
 ' and stick wholly to the last Title; for I
 ' think the Christian Religion would suffer
 ' no detriment if they did not celebrate
 ' one or two Masses in a year, attended
 ' with a vast number of their Guards and
 ' Retinue in rich Garbs, and with great
 ' pomp, as if they designed nothing by it
 ' but to reproach the Poverty and mean
 ' Circumstances of the first settlers of the
 ' Christian Religion. So let the Bishop of
 ' *Mentz* (if he will) possess his great Re-
 ' venues, to enable him to sustain the Dig-
 ' nity and Charge of his Office of Chan-
 ' cellor of *Germany*; but then there is no
 ' apparent cause can be given why he should
 ' have a Bishop's See assigned to him, when
 ' the other Princes of the Empire, who
 ' have as great zeal for the welfare of their
 ' Country as he, have been contented to
 ' take none but Temporal Titles. Now
 ' what shall I say of the Canons of the Ca-
 ' thedral Churches, which are the Blocks
 ' they hew into Bishops? They perform
 ' none of the Sacred Offices; and this they
 ' are not ashamed to own to all the World,
 ' by

by calling themselves *Irregular Canons*, and they too, to spare their own precious Lungs, fill their Churches with Noises, made by their mercenary Curates; and such of them as are not employed in Secular Affairs, are meer useless Burthens of the Earth, serving their Bellies and their Lusts. Now as to those that are wholly employed in Worldly Concerns, why are they called Holy men? Why are they maintained by the Revenues of the Church? And what shall I say of the excessive Riches of the Monasteries, and of the wonderful swarms of shaven Crowns that hover about them? It is certainly necessary, that there should be Colleges for the fitting your Youth for the Service of the Church and State; and I should be well pleased to suffer some few men to spend all their daies in them too, in profound Contemplation, for which only Nature has fitted them; and besides, if they were brought on the stage, the world would lose the benefit of those advantages it might reap from their Studies; so that, as to these men, the State would have no great reason to complain, because at one time or other they would recompence the Charges of maintaining them with good Interest: yet then both these sorts of men are most happy, when they have sober and competent Provisions made for them; over great ones load them with fat, which stifles and obstructs both their *Vigour* and *Industry*.

Industry. But then there doth not seem to
 ' be any good Reason that can possibly be
 ' given by the Wit of Man, why the Pub-
 ' lick should be at the charge of fattening up
 ' a vast number of lubbarly lazy fellows, who
 ' have betaken themselves to their ugly
 ' Cowles out of pure desperation, and are
 ' good for nothing but to fill the Church
 ' with senseless noises, or Prayers repeated
 ' with such cold and unconcerned affections,
 ' that they are fain to keep the account of
 ' them by their Beads. The only pretence
 ' worth the regarding, that is made for the
 ' excessive Riches of the Church, is, *That the*
illustrious and noble Families of Germany have a
means to provide for their younger Children, who
being promoted to Ecclesiastical Benefices, are
kept from being a Burthen to their own Families, by
which means Estates are kept from being crumbled
into small Particles, by dividing and subdividing
them in every Descent, and the Riches and Splen-
dor of Families is upholden, nay, sometimes encrea-
sed; the younger Brother, who must otherwise
have struggled with Want and Penny at home, be-
ing advanced to considerable and rich Dignities in
the Church. ' And I confess it was a good
 ' Fetch and a crafty Policy in the Church of
 ' Rome, thus to chain the noblest Families to
 ' her Interest, and purchase their Favour. But
 ' then, though it is worth our care to con-
 ' sider how we may preserve the Families of
 ' our Nobility and Gentry; yet in all proba-
 ' bility, they that first gave these Lands to
 ' the Church never dreamt of any such thing,
 ' and

' and it is most certain this has nothing of
 ' Religion in it. And as to these younger
 ' Children, if they are men of spirit and cou-
 ' rage, they have other means enough to
 ' raise their Fortunes, and improve their
 ' Estates and Reputations at home or abroad,
 ' in times of Peace or War: But then, if
 ' they are useful to no body in neither of
 ' these, it were fit to make them understand
 ' they cannot reasonably expect their Sloth
 ' should be rewarded with an Entertainment
 ' at the Charge of the Publick, in the same
 ' manner the *Athenians* did their most deser-
 ' ving Citizens. If they will still insist,
 ' that at least, by this means, the over-
 ' great number of the Nobility is kept from
 ' becoming contemptible by their poverty;
 ' I reply, That if they are men of truly
 ' noble Endowments, their multitude can
 ' bring no dishonour or disesteem to their
 ' Order, or to the State, because Virtue
 ' can never want a Station and a suitable
 ' Reward: But then, if they fear they should
 ' fill the World with a degenerate Poste-
 ' rity worse than themselves, I think this
 ' is true, and they ought to be kept from
 ' Marriage, that they may not stock the
 ' World with useless Drones: But then
 ' others, that are not in Holy Orders, ab-
 ' stain from the use of Women: But if
 ' they will not do that, I think the good
 ' old men, who gave these Lands to the
 ' Church, out of a belief, that whilst they
 ' lessened the Inheritances of their Children,
 ' they

‘ they promoted the Glory of God, and the
 ‘ Salvation of their Souls, are now mise-
 ‘ rably abused in their Graves, to have
 ‘ them now consigned only to the mainte-
 ‘ nance of a parcel of publick Stalli-
 ‘ ons.

*The Protestant
 Princes fairly
 vindicated.*

‘ 10. This being however the truth of
 ‘ the case, I for my part think the *Prote-*
 ‘ *stant Princes* will be able to give a very
 ‘ good and rational account to God and
 ‘ all wise men, why they have taken that
 ‘ care they have to employ the Revenues
 ‘ of the Church, which lay within their
 ‘ Dominions, and so was properly under
 ‘ their Jurisdictions, to the education of
 ‘ Youth in Piety and good Arts, and to
 ‘ the maintenance of such Ministers as were
 ‘ truly and in good earnest employed in
 ‘ the Service of God, and what was over-
 ‘ plus, to the Service of the State; where-
 ‘ as before the whole was spent in Luxu-
 ‘ ry and Sloth. And if the Emperor and
 ‘ the rest of the Catholick Princes had
 ‘ taken the same care in their States, they
 ‘ had disburthened *Germany* of a number
 ‘ of ill Humours, which now oppress it.
 ‘ Nor could the Pope have resented it
 ‘ without shewing himself openly more a
 ‘ Friend to the Vices of the Times than
 ‘ is consistent with his Honour. Nor was
 ‘ there any necessity that they should have
 ‘ ever the more changed their Faith in
 ‘ other particulars, though they had re-
 ‘ trenched the number of their Clergy, and
 ‘ re-

reduced their Revenues to a narrower
 Scantling, for the publick good of their
 States ; for their Christian Ancestors find-
 ing Poverty and Piety united in their
 days, long before the Priviledges of the
 See of *Rome* were thought of, agreed with
 the Church of *Rome* in matters of Faith.
 The greatest difficulty, as some thought,
 lay in the Bishopricks, which are still ex-
 tant, because it was not for the Interest
 of *Germany* that those large Dominions
 should be added to the Emperor or any
 of the other Princes. But then this is
 owing only to the ill constitution of the
 German State, which is subject to very
 great Commotions on the least change.
 Let then those Bishopricks continue, and
 enjoy their large Revenues and Territo-
 ries; only in the mean time let these Bi-
 shops remember that they are *German*
 Princes, and that they owe their Domi-
 nions to the Liberality of the *Germans*,
 and therefore ought to love their Coun-
 try more than the Pope : And let them
 put an end to their longing desires after
 those Bishopricks they have lost, and ne-
 ver more think of regaining them, for
 fear in the attempt they should also lose
 what is left them ; and however, it be-
 comes them not to embroil their native
 Country in any more destructive Wars
 and Quarrels. In truth, in the last Age
 it would not have been so difficult to
 have brought the Bishopricks of *Germany*
 into

' into a better state than now they are, if
 ' either the Archbishop of *Cologne* had not
 ' miscarried in his design, or if more of the
 ' *German* Bishops had conspired with him
 ' in the same intention: For after the Re-
 ' verence of the See of *Rome* was sunk to
 ' so low an ebb, it would not have been
 ' difficult to have turned the Bishopricks
 ' into Hereditary Principalities, and to have
 ' assigned the other Revenues to the Chap-
 ' ters or Prebends; or if this had not plea-
 ' sed them, these Principalities might have
 ' still passed from one to another by Ele-
 ' ction. Nor are the Protestants of such
 ' small and contemptible Parts or Under-
 ' standings, as that they could not have
 ' employed these Revenues to the same
 ' uses the *Roman Catholics* do, if they had
 ' thought fit to have so continued them.
 ' It had been more also for the Peace of
 ' *Germany* to have had the whole Nation
 ' embraced the Protestant Religion, than it
 ' was to have a part continue in the old,
 ' to distract the People by a diversity in
 ' their Faith. And could any man drive
 ' out of the Empire those lazy Drones the
 ' Monks, and the cunning Companions of
 ' the Society of the Jesuites, *Germany* would
 ' thereby be delivered from a Sett of dan-
 ' gerous Spies; and the Revenues they
 ' wastefully devour, would be sufficient to
 ' maintain an Army that would defend *Ger-*
 ' *many* against both the *Eastern* and *Western*
 ' *Turks*.

When

When I had heard this Discourse out, I was in an horrible fright for the *Roman Catholick Religion* in *Germany*, but that I considered it was understood in vain by private men, who could indeed please themselves with specious Counsels, and assume great Courages under the Covert of their private Walls: But then, as long as those that were born to *command* and *govern* others were for the most part beholden to their Destinies, for giving them more Wealth than Wisdom, I thought again their Ignorance of what was their true Interest, and for their good, would still secure it. This, Sir, is what I have in my Travels observed, concerning the Empire of *Germany*, and having thought fit to set it down in writing, I perswade my self, that if I miss of Praise and Applause, yet at least the Candor and Sincerity of my Relations will deserve pardon.

F I N I S.